

NOMINATIONS OF JAMES E. HALL, TO BE A  
MEMBER OF THE NATIONAL TRANSPORTATION  
SAFETY BOARD; LOUISE FRANKEL STOLL, TO  
BE ASSISTANT SECRETARY FOR BUDGET AND  
PROGRAMS; AND FRANK EUGENE KRUESI, TO  
BE ASSISTANT SECRETARY FOR TRANSPORTATION  
POLICY OF THE DEPARTMENT OF  
TRANSPORTATION

Y 4. C 73/7: S. HRG. 103-268

Nominations of James E. Hall, to be...

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BEFORE THE

COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE

ONE HUNDRED THIRD CONGRESS

FIRST SESSION

AUGUST 2, 1993

Printed for the use of the Committee on Commerce, Science, and Transportation



JAN 7 1994

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1993

70-913cc

For sale by the U.S. Government Printing Office  
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402

ISBN 0-16-041756-2



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**NOMINATIONS OF JAMES E. HALL, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD; LOUISE FRANKEL STOLL, TO BE ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS; AND FRANK EUGENE KRUESI, TO BE ASSISTANT SECRETARY FOR TRANSPORTATION POLICY OF THE DEPARTMENT OF TRANSPORTATION**

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**MONDAY, AUGUST 2, 1993**

**U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
Washington, DC.**

The committee met, pursuant to notice, at 2:30 p.m., in room SR-253 of the Russell Senate Office Building, Hon. Wendell H. Ford, presiding.

Staff members assigned to this hearing:

Mr. Hall: Carol J. Carmody and Rebecca A. Kojm, professional staff members; and Emily J. Gallop and Susan Adams, minority professional staff members.

Ms. Stoll: Donald M. Itzkoff, senior counsel, and Rebecca A. Kojm, professional staff member; and Emily J. Gallop and Susan Adams, minority professional staff members.

Mr. Kruesi: Samuel E. Whitehorn, senior counsel, and Rebecca A. Kojm, professional staff member; and Emily J. Gallop and Susan Adams, minority professional staff members.

**OPENING STATEMENT OF SENATOR FORD**

Senator FORD. The committee will come to order.

It is a pleasure that I chair the hearing today to confirm Jim Hall to be a member of the National Transportation Safety Board. It is always nice to confirm a fellow who talks like I do.

Jim's skills as a lawyer and a governmental official will be advantageous as a member of NTSB. He has a long history of government service, both on the State and Federal levels. During his employment with the Office of the Governor in Tennessee, he worked extensively on transportation and safety issues, and, in my opinion, he will bring solid judgment to an agency charged with determining the probable cause of transportation accidents. Mr. Chairman, your comments, please.

## OPENING STATEMENT OF SENATOR HOLLINGS

The CHAIRMAN. Today the committee is holding a hearing on the nomination of James E. Hall of Tennessee to serve a full 5-year term on the National Transportation Safety Board. The NTSB is one of the most important agencies in the Government. It has the responsibility for investigating transportation accidents, determining probable cause, and then recommending measures which will prevent future accidents. A Board member must be thorough, patient, intellectually curious, and painstaking in the investigation. Also, a Board member must be independent and strong-minded enough to come up with recommendations which may meet with resistance from industries or Government agencies.

Mr. Hall's experience and education prepare him well for this job. I note with interest that, when he was working for the Governor of Tennessee, he pushed for enactment of the Drug Free Youth Act to address a major highway safety problem. I share his concerns about the dangers of substance abuse and its implications for transportation safety.

I look forward to Mr. Hall's statement and responses to questions.

Thank you, Mr. Chairman.

Senator FORD. Thank you, Mr. Chairman. He has his two Senators here to introduce him, and I am sure he will want to recognize his family who are in the audience, when it comes his turn.

So, I look forward to the testimony. Senator Pressler, do you have a statement?

## OPENING STATEMENT OF SENATOR PRESSLER

Senator PRESSLER. Yes, Mr. Chairman.

Thank you very much.

The individuals appearing before this committee have been nominated to fill positions that are important to carrying out our Nation's Federal transportation policies. I am particularly interested in learning the views and, more importantly, the qualifications of these individuals. I am very interested in transportation safety issues and will have a number of safety-related questions.

The National Transportation Safety Board is one of the most critical agencies affecting transportation safety. The NTSB performs this role by conducting independent accident investigations and formulating safety improvement recommendations.

The NTSB covers not only air safety, but also the safety of our highways, the safety of moving hazardous materials, and the safety of all transportation modes throughout our country that the public depends upon.

Mr. Chairman, the law governing the NTSB specifically addresses the composition of the Board, including the qualification of its members. The law's provision regarding organization reads:

The Board shall consist of five members, including a chairman. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate. Not more than three members of the Board shall be of the same political party. At any given time, no less than three members of the Board shall be individuals who have been appointed on the basis of technical qualification, professional standing and demonstrated knowledge in the fields of accident reconstruction, safety engineering, human factors, transportation safety, or transportation regulation.



The law further states that the Board shall, "investigate and report on accidents involving each of the following modes of transportation: aviation, highway and motor vehicle, railroad and tracked vehicle, and pipeline."

Finally, the Board's responsibilities include "the investigation and reporting on the safe transportation of hazardous materials."

Mr. Chairman, the role of the NTSB is important, indeed. Frankly, if the FAA had followed the directives issued by the NTSB, eight distinguished South Dakotans, many of whom were close friends of mine, may be alive today.

In my view, any nominee to the NTSB deserves this committee's careful scrutiny. To ensure the highest standards of transportation safety it is essential for the Board to be composed of members with the level of expertise as required by law. Therefore, I will be reviewing closely Mr. Hall's qualifications.

Mr. Chairman, transportation safety, whether on the ground or in the air, is one of my highest priorities as a member of this committee. I look forward to hearing Mr. Hall's views on a number of issues concerning transportation safety. I also look forward to hearing from Frank Kruesi and Louise Stoll.

Senator FORD. Thank you.

Senator Sasser.

#### **STATEMENT OF HON. JIM SASSER, U.S. SENATOR FROM TENNESSEE**

Senator SASSER. Thank you very much, Mr. Chairman and Senator Pressler.

It is my great pleasure and honor today to be here and to introduce Jim Hall, who has been nominated by the President to serve on the National Transportation Safety Board. I might say that as a member of the Senate Appropriation Subcommittee on Transportation, I am very well aware of the National Transportation Safety Board's enormous and I think very serious responsibilities.

Our country relies heavily on the Board for its expertise and impartiality to help provide for safety in all modes of transportation. The exhaustive investigations and reports of the NTSB offer the type of preventive medicine that can save lives and provide for the safe and efficient movement of people and goods here, which is essential to commerce.

Now, Mr. Chairman, given the Board's critical mission, I could not have been more pleased when I heard that President Clinton has chosen Jim Hall to fill this seat on the Board. I want to commend President Clinton for what I think is an inspired selection of such a very capable and accomplished individual.

I have known Jim Hall for many years. He is not an ideolog. He has an open mind when tackling a problem. And he will not come to the Board representing any particular industry or interest group. I think that is important. His impartiality and keen eye for detail and cause and effect, I think, fit perfectly with the Board's role.

Jim Hall has been an exemplary public servant from his early days as a member of the staff of the U.S. Senate in the office of Senator Albert Gore, Sr., to his tour of duty in Vietnam, and to his

many years of service in the Tennessee State government. He has always put the people's interest first.

Jim Hall reminds me of a famous quotation from Franklin Delano Roosevelt, who said, "Those who serve government serve the people as a whole." And I have been particularly impressed with Jim Hall's work as director of the Tennessee State Planning Office. He directed the State of Tennessee's first comprehensive antidrug effort, and was instrumental in pushing for enactment of the Drug-Free Youth Act.

In addition, he took a lead role in developing and implementing the State of Tennessee's \$35 million comprehensive solid waste management and planning program, which is one of the most serious problems facing the State government in Tennessee, and I think around the country, of what is to be done with solid waste.

His impressive background also includes participation in the oversight and cleanup of the national nuclear weapons complex and various clean water initiatives. He is a graduate of the University of Tennessee Law School. He brought his legal expertise to bear on corporate and labor law. And he also served as counsel to the Senate Subcommittee on Intergovernmental Relations when Senator Edmund Muskie of Maine was chairman of that subcommittee many years ago.

Mr. Chairman, the National Transportation Safety Board is famous for its go-teams which stand ready to move 365 days a year to investigate an accident. I think Jim Hall's entire career has been on a go-team, and he has been ready to step forward at a moment's notice to meet the country's needs.

I am particularly pleased to see an individual who has served extensively at the State level in government now asked to take a very critical and crucial role here in our National Government. I think those of us in the National Government can learn much from what has happened in the State governments around the country.

In conclusion, Mr. Chairman, I would just say that Jim Hall has the President's full confidence and he certainly has my full confidence. And I urge the committee to report favorably on his nomination.

I thank you for allowing me to appear here this afternoon and say a few words on behalf of Jim Hall.

Senator FORD. Thank you, Senator Sasser.

Senator Mathews.

#### OPENING STATEMENT OF SENATOR MATHEWS

Senator MATHEWS. Thank you, Senator Ford and to the ranking member, Senator Pressler.

It is my privilege to join the senior Senator from Tennessee today to introduce Jim Hall, who has been nominated to the National Transportation Safety Board. My enthusiasm for Mr. Hall's nomination comes after observing a career that, for two decades, has demonstrated unique talents, which I believe would serve the country well.

Specifically, Jim Hall would bring to the National Transportation Safety Board a level of creative thought too rarely seen in Government service. While particular skills are an asset to any position, the ability to provide the Board innovative ideas and strategies will

ultimately be the critical standard by which we measure this nomination.

Mr. Chairman, in 40 years, I have known few people in public service who can boast a record of an innovation and success equal to that of Mr. Hall. Three years ago, I watched in wonder as he undertook the task of developing a solid waste plan for the State of Tennessee. After dozens of meetings with local officials, environmentalists, and business interests, Jim Hall surprised the doubters by quietly fashioning a compromise out of the controversy. As a result of his efforts, 49 Tennessee counties, for the first time, have a program to manage their solid waste.

In response to the President's education summit in 1989, Jim Hall organized more than 600 community meetings across Tennessee to gain public input about schools. Largely because of his extraordinary effort to generate public support, Tennessee today is implementing one of America's most comprehensive education reform programs.

His career in public service is filled with examples that defy traditional approaches to solving problems. He organized and managed the redesign of Tennessee's drug enforcement, drug treatment, and drug education program. He was the principal architect of efforts to reform and modernize a juvenile justice program that Attorney General Reno last week called "a model for the Nation."

He participated in the planning and the implementation of the largest road construction program in our State's history.

Mr. Chairman, most public servants would be content to be associated with any one of these accomplishments. To my colleagues in the Senate, I suggest that this outstanding record of accomplishment is indicative of the creativity which we can expect from Jim Hall as a member of the National Transportation Safety Board.

To Jim, to his wife, Annie, and his children, Molly and Katie, I offer my strongest support for this nomination.

Thank you, Mr. Chairman.

Senator FORD. Thank you very much, Senator Mathews.

Mr. Hall, I am not sure that you want to make a statement after the glowing statements that you have heard. But we will allow you to do that.

You may proceed. As we all know, Senator Mathews is a member of this committee. But, Senator Sasser, if you wish to stay around or go back to trying to put the budget together, it is your choice.

Senator SASSER. Mr. Chairman, I would like to stay here, but, as a matter of fact, we do have a budget meeting that convenes in about 5 minutes, so I am going to have to go to that.

Senator FORD. We all bid you success, sir.

Senator SASSER. Thank you.

Senator FORD. Mr. Hall, you may proceed.

#### **STATEMENT OF JAMES E. HALL, NOMINEE TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD**

Mr. HALL. Mr. Chairman, it is indeed a privilege to appear before you today as you consider my nomination to become a member of the National Transportation Safety Board. I sincerely appreciate the committee's efforts and the committee staff's efforts in scheduling my confirmation hearing as quickly as you did. And I would

also like to take this moment to thank Senator Sasser and Senator Mathews for their kind introductions and support.

I would like at this time, with the permission of the chairman and Senator Pressler and Senator Mathews, to introduce my family, my wife, Annie Hall, and my daughters, Molly and Katie Hall. If they would please stand up. I am very proud of them. I am pleased to have them here with me today.

Senators, I am honored by the confidence that the President has placed in me with this nomination. The National Transportation Safety Board is the premier accident investigatory body in the world, and one in whose work I, like all travelers, have utmost confidence. This confidence and respect is a result of many years of hard work by NTSB investigators and Board members. And I assure you that, if confirmed, I will dedicate myself totally to ensuring that these investigative standards are maintained, that NTSB safety initiatives are advanced and that safety recommendations are communicated throughout the transportation network.

As you know, working in a collegial atmosphere, Board members determine the probable cause of transportation accidents, and formulate recommendations to prevent their recurrences. These decisions are based on the factual material gathered and analyzed by a highly competent staff, having technical expertise in all areas of technology and accident investigation.

Throughout my career in government I have been involved in complicated and technical fields. The experience and background includes complex areas such as environmental remediation at nuclear weapons facilities, and development of the comprehensive solid waste management program for the State of Tennessee. This involvement has taught me how to tackle multifaceted problems by drawing on the expertise and research technicians, and then making decisions based upon their and my own abilities.

In addition, during my tenure with the Governor of Tennessee, I worked closely with the Tennessee General Assembly to promote highway safety. For example, I was charged with developing Tennessee's first comprehensive antidrug effort and steering through enactment legislation requiring the suspension of driving privileges for youths ages 13 to 17 who violate alcohol and drug laws.

As you know, the Safety Board has key safety recommendations in the area of youth and alcohol, as well as administrative license revocation. Consequently, I can bring a unique perspective to the Safety Board in that I have actively worked to establish and implement actual policies embodying safety recommendation goals and objectives in my home State.

As I will dedicate myself to the critical safety issues on our Nation's highways, I, too, will concentrate on the other transportation modes of aviation, marine, pipeline, and rail, being committed to working closely with the industry groups, citizens organizations, and public agencies active in these areas.

In closing, let me state that I hope that my background demonstrates to the members of the committee my commitment to public service, as well as outlining my qualifications for this position. If confirmed, I promise each of you my best efforts.

Thank you, Senator.



[The biographical data and prehearing questions and answers of Mr. Hall follow:]

#### BIOGRAPHICAL DATA

Name: Hall, James Evan; address: 12 Highdown Court, Signal Mountain, TN 37377; business address: Senate Dirksen Building, SD-506, Washington, DC 20510.

Position to which nominated: Member, National Transportation Safety Board; date of nomination: July 13, 1993.

Date of birth: December 21, 1941; place of birth: Union City, TN.

Marital status: Married; full name of spouse: Anne Impink Hall; names and ages of children: Mary Elizabeth, 17; and Catharine Anne, 15.

Education: West High School, 9/55-6/59, Diploma, 6/59; University of Tennessee, 9/59-6/64; and University of Tennessee College of Law, 9/64-6/67, L.L.B.

Employment: 10/67-10/69, U.S. Army, U.S. Army Officer; 2/70-1/71, U.S. Senator Albert Gore, Sr., Legislative Assistant; 1/71-7/72, Muskie Election Committee, Political Coordinator; 7/72-5/74, U.S. Senate Intergovernmental Relations Subcommittee, General Counsel; 6/74-08/76, Franklin L. Haney Co., In-House Counsel; 3/80-11/76, Carter-Mondale Election Committee, Tennessee State Coordinator; 12/76-3/80, Franklin L. Haney Co., In-House Counsel; 3/80-11/80, Carter-Mondale Re-Election Committee, Tennessee State Coordinator; 01/81-12/85, Self-Employed, Attorney-at-Law; 1/86-11/86, Friends of McWherter, Campaign Manager; 11/86-1/87, State of Tennessee, Transition Director; 01/87-12/92, Governor Ned McWherter, Executive Assistant to Governor & Director of State Planning; and 01/93-7/93, U.S. Senator Harlan Mathews, Chief of Staff.

Government experience: Federal: 10/67-10/69, U.S. Army officer; 2/70-1/71, U.S. Senator Albert Gore, Sr., Legislative Assistant; 7/72-5/74, U.S. Senate Intergovernmental Relations Subcommittee, General Counsel; 5/74-2/76, WAE Service, U.S. Senate; 1/77-2/81, WAE Service, White House, Advanceman; 10/77-3/82, WAE Service, U.S. Senate; and 1/93-7/93, U.S. Senator Harlan Mathews, Chief of Staff. State: 11/86-1/87, Appointed by Governor-Elect McWherter to head transition; and 01/87-1/93, Appointed by Governor McWherter as Executive Assistant for Policy and Planning and Executive Director of the Tennessee State Planning Office.

Political affiliations: 1984, Southern Co-ordinator, John Glenn for President; 1986 & 1990, Campaign Manager, Ned McWherter for Governor (Friends of McWherter); 1992, State Co-ordinator, Tennessee Clinton/Gore Campaign; and 1988 & 1992, Delegate, Democratic National Convention, State Chapter Leader, Democratic Leadership Council.

Contributions: 1983, Albert Gore for Senate, \$1,000 (11/83); John Glenn Presidential Committee, \$500 (11/6/83); Marilyn Lloyd for Congress, \$100 (10/28/83); Ed Vickery for Superintendent, \$25 (10/24/83).

1984, C.L. Robinson for State Representative, \$30 (5/12/84); Re-Elect Marilyn Lloyd for Congress, \$450 (6/15/84 & 8/17/84); Ward Crutchfield for State Senator, \$150 (6/26/84 & 9/28/84); David Cocke Campaign Committee, \$25 (9/18/84); National Democratic Women, \$10 (9/24/84); Hamilton County Democratic Women, \$20 (10/20/84).

1985, Ward Crutchfield for State Senator, \$25 (5/17/85); Re-Elect Dalton Roberts, \$100 (8/19/85); C.B. Robinson Campaign Committee, \$25 (10/31/85); Democratic Senatorial Campaign Committee, \$25 (10/31/85); Friends of Commissioner Paul A. McDaniel, \$50 (10/31/85); Friends of David Price, \$200 (11/8/85); Re-Elect Congresswoman Marilyn Lloyd, \$25 (11/25/85).

1986, Re-Elect Commissioner Brenda Bailey, \$100 (1/21/86); Bart Gordon Congress Committee, \$19.86 (2/5/86); Bill Knowles for Hamilton County Court Clerk, \$25 (2/8/86); Re-Elect Representative Rufus Jones, \$500 (3/11/86); Tennessee Democratic Party, \$400 (4/15/86); Friends of Marilyn Lloyd, \$100 (6/30/86); Roy Herron for State Representative, \$70 (9/22/86).

1987, Albert Gore, Jr. for President Committee, \$1000 (5/21/87); Ward Crutchfield for State Senator, \$100 (7/21/87).

1988, Bryant Millsap for Congress, \$250 (1/12/88); Friends of Dalton Roberts, \$100 (4/8/88); College Young Democrats, \$25 (5/10/88); Hamilton County Democratic Women, \$100 (10/1/88); Dudley Taylor for Congress, \$100 (10/18/88).

1989, Friends of Jack Reynolds, \$100 (10/12/89); Carol Miller for State Representative, \$200 (9/6/89); H.Q. Evatt for Sheriff, \$100 (10/12/89).

1990, Tennessee Federation of Democratic Women, \$25 (3/2/90); C.B. Robinson Committee, \$100 (5/22/90).

1991, Ronnie Stein for Council at Large, \$50 (2/7/91); Walter Williams for City Judge, \$50 (2/11/91); Bill Clinton Committee, \$125 (10/25/91).

1992, None.

1993, Tennessee Democratic Party, \$1000 (4/4/93); Committee to Re-Elect Betsy Bramlett, \$25 (4/4/93).

Memberships: Sigma Chi Fraternity; Phi Alpha Delta Fraternity; American Legion; Chattanooga Bar Association; D.C. Bar Association; Tennessee Bar Association; University of Tennessee Alumni Association; CSAS Boosters Club; St. Timothy's Episcopal Church (former Senior Warden); VFW; and United Way Campaign, Chattanooga, TN (former State government chairman).

Honors and awards: First Army Certificate of Achievement, Ft. Meade, MD; Bronze Star for Meritorious Achievement, U.S. Army, Vietnam; Tennessee Democratic Party for Outstanding Service Award; Middle Tennessee Drug & Alcohol Recognition of Service; and 23rd Judicial District Outstanding Service Award.

Published writings: None.

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PREHEARING QUESTIONS ASKED BY THE COMMERCE COMMITTEE AND ANSWERS  
THERETO BY MR. HALL

GENERAL

*Question.* What experience have you had which you believe prepares you to serve as a member of the National Transportation Safety Board (NTSB)? To what extent will your experience dealing with state and local governments help you in this position?

*Answer.* I believe my extensive experience at senior levels in both state and federal government qualifies me for service on the National Transportation Safety Board. In addition, my legal background will be useful in the role as an appellate body as well as its investigative and administrative functions.

My background in state government has afforded me experience as well as opportunities to serve as a spokesperson for the Governor and his administration in many different areas. Included in my state government background is hands-on experience in the area of highway safety. At the federal level, I have participated in the legislative process and I believe this knowledge will assist me in the duties for which I have been nominated.

*Question.* What do you believe are the major problem areas in transportation safety, and those most in need of attention?

*Answer.* The Safety Board's "Most Wanted" list provides a framework for addressing some of the major problem areas in transportation safety and I would initially focus my attention on working toward the adoption of these key safety recommendations. For instance, lives will be saved if states enact laws to administratively revoke the licenses of drunk drivers at the time of accidents as recommended by the Safety Board. Improved airport signing as recommended by the NTSB would save and reduce transportation risks at our national airports. These are just two examples of areas which need attention.

*Question.* Is there a particular area within the NTSB's jurisdiction on which you will concentrate your attention, if confirmed?

*Answer.* Under the Independent Safety Board Act of 1974, the NTSB is charged with improving transportation safety by investigating accidents, conducting special studies, and developing recommendations to prevent accidents and I would give each mode equal attention. However, based on my experience in Tennessee, the role of alcohol and drug involvement in accidents and the transport of hazardous materials on our highways and railroads are two areas of special interest to me.

*Question.* Much time has been spent finalizing drug and alcohol testing requirements for the different transportation modes. Do you believe any changes should be made to the existing requirements?

*Answer.* Although not familiar with the specific requirements under consideration, I do know that the NTSB "Most Wanted" list includes recommendations on establishing a uniform, industry-wide policy on the collection, processing, and testing of toxicological specimens. It would appear to me that drug and alcohol testing requirements would be warranted under the Safety Board proposal; however, I am not in a position at this time to assess whether changes are warranted in the Department of Transportation proposal.

HIGHWAY SAFETY AND SURFACE TRANSPORTATION

*Question.* Has your experience with highway safety in Tennessee suggested any areas in highway safety which you believe deserve special attention by the NTSB?

*Answer.* Based on my experience in Tennessee, I have some identified problems concerning highway law enforcement. I believe the NTSB could be more proactive in encouraging states to vigorously train local law enforcement and local court per-

sonnel on highway safety laws. Such training could lead not only to more effective enforcement, but also to more uniform enforcement of critical safety laws across the country. In addition, where Federal monies are used for highway safety pilot programs there should be some uniform mechanism to assess and share the results with communities throughout the Nation.

*Question.* The Committee is committed to reducing fatalities and injuries at the Nation's railroad/highway grade crossings. What initiatives and efforts in this area would you support?

*Answer.* It is my understanding that over 691 people were killed in grade crossing accidents in 1992, a slight increase from 689 in 1991. Obviously, the NTSB needs to support the committee's commitment to reduce these fatalities. I intend to look at existing initiatives and to work with the Board members and this committee on examining safety programs in this area.

#### HIGH-SPEED GROUND TRANSPORTATION

*Question.* As Congress considers the Administration's high-speed rail proposal, interest in high-speed ground transportation continues to increase. What do you believe should be the appropriate role of the NTSB in helping to ensure the safety of new high-speed rail and magnetic levitation (maglev) technologies, in advance of such systems becoming operational? If confirmed, what will you suggest in this area?

*Answer.* As the committee knows, our Vice President and my former U.S. Senator has been very active in the area of transportation technology development including high-speed rail and maglev. Clearly the NTSB should keep a focus on the future and work to anticipate transportation safety problems during the developmental stage of these new technologies. However, it would be premature for me as this time to make any specific recommendations in this area.

#### MOTOR CARRIER SAFETY

*Question.* Please provide the Committee with an overview of issues you believe are important to helping to ensure safety in the trucking and intercity bus industries. If confirmed, how will you contribute to improved motor carrier safety? What do you believe is the appropriate for new technology applications, including the Intelligent Vehicle-Highway Systems program, in this area?

*Answer.* It has been brought to my attention that in 1992, the Safety Board completed a study which found that brakes on many heavy vehicles on our highways are out of adjustment, resulting in severely degraded stopping capability. Dozens of recommendations were issued to the Federal Highway Administration and the National Highway Traffic Safety Administration. I also understand the Safety Board has also investigated the highway safety hazards caused by wheels separating from trucks and intercity bus industry safety problems. As I stated in my previous response, however, it would be premature for me at this time to make any specific recommendations in this area with respect to improving motor carrier safety through IVHS applications.

#### AVIATION

*Question.* What do you consider to be the principal obstacles to aviation safety in today's environment? How would you improve aviation safety?

*Answer.* It is obvious to me that aviation safety has dramatically improved over the past twenty-five years as a result of the creation of the National Transportation Safety Board and its work in cooperation with the private and public sector. As the Committee is aware, there are a number of items still on the NTSB "Most Wanted" list that identify obstacles to aviation safety and would work to gain the acceptance of these recommendations as a first step. Obviously, given the importance of aviation to our domestic economy and the leadership role we play in the international aviation market, this area deserves and will receive my close attention.

*Question.* A frequent "contributing factor" in NTSB's determinations of the causes of aircraft accidents is the area of human factors, involving pilots, air traffic controllers, and ground crews. How do you view the impact of this factor? Are you aware of work which has been done in the field? What more can be done?

*Answer.* It is my understanding that one of the Safety Board's members, Dr. John Lauber, has worked extensively on human factors issues and is an acknowledged expert in the field. I look forward to working with Mr. Lauber and other knowledgeable individuals in this area to gain additional information on and insight into the importance of this factor in transportation safety. And as previously stated, I believe it would be premature for me to make recommendations in this area at this time.



QUESTIONS ASKED BY SENATOR PRESSLER AND ANSWERS THERETO BY MR. HALL

*Question.* What are your recommendations or suggestions for ensuring that safety concerns raised by the NTSB are given the utmost consideration and review by the DOT and its modal agencies?

*Answer.* As a nominee, I hesitate to assess the overall relationship between the NTSB and the DOT at this point. NTSB records show that more than 80 percent of the recommendations issued to the DOT have been implemented. If a situation arises where the DOT and its modal agencies are not seriously reviewing NTSB recommendations and moving toward their implementation, then changes in the existing relationship would be warranted.

*Question.* Clearly, the Iowa incident reveals what I have called "gridlock" between the NTSB and the FAA. How often do DOT's modal agencies comply with safety recommendations to the NTSB's satisfaction?

*Answer.* As I mentioned, the overall record with DOT's modal agencies is commendable with eight out of ten recommendations issued by the NTSB being accepted. The continuing downward trend in the number of transportation accidents and deaths over the past quarter century is also a testament to the NTSB and the modal agencies transportation safety programs. However, if upon examination, it appears to me that there is gridlock between the NTSB and the FAA, I would work with the other Board members and the FAA to eliminate the gridlock.

*Question.* How can disagreements that create agency "gridlock" be resolved more expeditiously?

*Answer.* Having extensive senior level experience in government policy and planning at both the state and national level, I have successfully worked through situations where the improvements being sought were threatened by gridlock. This background and experience should enable me to work effectively at the NTSB to avoid gridlock.

*Question.* The FAA admitted that it took an accident to issue a directive along the lines of an NTSB recommendation. To your knowledge, is this a common practice? How often have other DOT modal agencies not taken action prior to a fatal accident?

*Answer.* At this time, I do not have any personal knowledge of the facts surrounding the Iowa incident or what is, or is not, common practice at the FAA. If confirmed, I will attempt to obtain this information in order to insure that future occurrences of this kind are avoided.

*Question.* In your opinion, what is the current administrative relationship between the NTSB, the DOT, and the DOT's modal agencies? As a member of the NTSB, what changes, if any would you make?

*Answer.* At this time, I do not have any personal knowledge of the working relationship between these agencies and therefore am unable to recommend any changes. If I find relationship is not effective in accomplishing the mission of the NTSB, I would work with the Board Members and the agencies involved to make necessary changes.

*Question.* What role do you feel the DOT should play in its relationship with the NTSB?

*Answer.* Obviously, given the missions of the DOT and the NTSB it is imperative that they work in a cooperative fashion to insure the safety of our transportation system. As I mentioned above, if problems are identified then they must be corrected. I am aware that the DOT acceptance rate for NTSB safety recommendations has improved over the years through the result of committed efforts of the Safety Board and I would dedicate myself to working toward further improvements. The Secretary of the Department of Transportation has also pledged to work with the NTSB and I am confident that through his leadership, the modal administrators will adopt similar stances.

*Question.* What is the Administration's position on these issues? Do you agree with the Administration's position?

*Answer.* I am familiar with a letter sent to you by DOT's Deputy Secretary and General Counsel discussing these matters. I believe comments contained in the letter reflect the Administration's position, and I concur with these remarks at this time. The remarks I refer to in the May 19, 1993 letter are as follows:

"We share Secretary Peña's firm belief and the fundamental premise that the Department of Transportation is committed first and foremost to safety in the day-to-day operations of all modes of transportation. He strongly supports the NTSB in its role in the area and intends to monitor the response of all DOT agencies to the NTSB's recommendations."

*Question.* What are some ways that the DOT could best utilize its departments or other DOT resources to promote and enforce transportation safety?



Answer. At this point, I cannot assess how effectively the Department of Transportation uses its resources to promote and enforce transportation safety, or whether those allocations are the best utilization of its resources. This will be one of the areas in which I hope to concentrate my efforts.

*Question.* Seemingly, the FAA measures safety by accidents that have already occurred. As the Dubuque incident demonstrates, it took an actual catastrophic event to pressure the FAA to act. Should the FAA be keeping score this way? What are your plans or recommendations for ensuring the NTSB's safety concerns are properly addressed by the DOT?

Answer. As I mentioned earlier, I am not familiar with all the facts surrounding this accident. One of my missions at the NTSB will, however, be to make sure that the FAA and the other modal agencies are properly addressing its recommendations.

*Question.* Is the DOT and its other modal agencies more often quick to act on NTSB recommendations after the fact—after a catastrophe occurs?

Answer. Only after service as a Board Member will I be able to with any the necessary knowledge to make an effective determination on what factors prompts the DOT to respond to NTSB recommendations.

*Question.* If you could change the procedure of the FAA in deciding on a course of action to alleviate a safety problem, what changes would you make? For illustrative purposes, what would those changes be in the context of the NTSB's and FAA's actions following the 1991 incident in Utica, New York? What changes would you suggest for other modal agencies?

Answer. Again although I have read the transcript of the Senate hearing on the relationship between the FAA and NTSB, I presently am not sufficiently familiar with the facts in this case to suggest changes.

*Question.* Are you familiar with the relationship between the FAA and the NTSB? In your view, is this relationship too "cozy?"

Answer. I am not familiar enough at this juncture with the day to day relationship between the FAA and the NTSB to characterize the relationship; however, it is clear to me that the NTSB and FAA must work cooperatively to insure improvements in transportation safety. The joint efforts of the NTSB and the FAA have led to a reduction in aviation fatalities over the years and I believe an effective relationship can lead to further improvements in commercial and small aircraft safety.

*Question.* Over the past ten years, what modes of transportation has the NTSB issued the most recommendations for changes to enhance transportation safety? How often have those recommendations been carried out? Is there a particular agency that typically is not responsive to NTSB recommendations?

Answer. I asked the NTSB staff to provide me with the material you requested on a ten year basis. According to NTSB statistics, between 1982 and 1992, 1,378 recommendations were issued to the FAA and eighty-three percent were accepted. More than eighty-five percent of the 163 recommendations issued to the Federal Highway Administration were accepted. More than eighty-five percent of the 74 recommendations issued to the National Highway Traffic Safety Administration were accepted. More than seventy-one percent of the 131 recommendations issued to the Federal Rail Administration were accepted. More than eighty-five percent of the 108 recommendations issued to the Research and Special Programs Administration were accepted. Ninety percent of the 12 recommendations issued to the Federal Transit Administration were accepted. More than seventy-two percent of the 467 recommendations issued to the Coast Guard were accepted. And finally, 100 percent of the 7 recommendations issued to the Maritime Administration were accepted.

Senator FORD. Thank you, Mr. Hall. I only have a couple of questions. I have known you for a long time and we have had conversations as it relates to your nomination to the Board, so I will limit my questions. Just for the record, what skills do you have as a lawyer and Government official which will be helpful in your role as a member of the National Transportation Safety Board?

Mr. HALL. Well, sir, of course, I have my degree from the University of Tennessee, and for a period of time, had the opportunity in private practice to be active in the corporate and real estate areas of the legal field. I believe that my training and background will assist me in terms of the work that the Board is charged with as an appeal body on licenses that are revoked or rescinded in maritime, aviation, and other areas.

In addition, I think the unique perspective that I can bring to the Board, Senator, is the background from State government. I have had the opportunity in the Governor's office to work with the various commissioners in the State of Tennessee to review a number of Federal programs to see how they have been implemented, and how best we can go about making some of these programs more effective.

As was mentioned earlier, my expertise specifically was in the area of transportation safety on the highways, trying to deal with the No. 1 killer of young people in Tennessee which is highway accidents involving youth and alcohol. I present those backgrounds and credentials to the committee, and hope that I will have the opportunity to serve.

Senator FORD. It is difficult to specialize when accident investigations are assigned randomly, but do you have any particular interest in any of the Board's responsibilities?

Mr. HALL. Well, as mentioned earlier, I coming from a background in Tennessee State government the area of transportation safety on our highways interests me. The aviation field is extremely important to the economic well being of our State. In Tennessee we have hubs for both Northwest and American Airlines, as well as Federal Express. Tennessee is crisscrossed with a number of pipelines, additionally we have a large amount of hazardous materials that are transported across our State. So, those are areas that I hope to gain more expertise in and look at as a member on the Board.

Senator FORD. Senator Pressler.

Senator PRESSLER. Thank you, Mr. Chairman.

As I said in my opening statement, and the law governing the NTSB specifically addresses the composition of the Board including the qualifications of its members. The law's provisions regarding these qualifications reads: "At any given time no less than three members of the Board shall be individuals who have been appointed on the basis of technical qualification, professional standing, and demonstrated knowledge in the fields of accident reconstruction, safety engineering, human factors, transportation safety, or transportation regulation."

Do you feel that your background puts you in that category?

Mr. HALL. No, Senator, I do not think I am an expert in any one of those areas. I think that, as was mentioned earlier, I have had the opportunity to work on a number of complicated and complex matters in which I have had to look to technical and research advice in order to make decisions. I feel that my knowledge of the NTSB and the type of staff that is there, that working with that staff I would be in a position to meet the requirements of the statute in terms of membership on the Board, but I do not profess to have an expertise in any of those areas.

Senator PRESSLER. I am not necessarily picking on you, but as I review the qualifications of the current members of the Board, I think if you are confirmed, we will have less than three members of the Board who meet those qualifications. Is that a fair statement?

Mr. HALL. Well, sir, I do not think I would be in a position to make that decision. I have read the biographies of the four mem-

bers of the Board, and they certainly have outstanding qualifications, each and every one of them. And I have had the opportunity to make a courtesy call on each of them. As you know, there are a number of individuals there that do have transportation backgrounds and expertise in those areas that you mentioned.

Senator PRESSLER. Yes. As you know, I have been concerned about transportation safety issues for some time. We have had pipeline breakages in our State, airplane crashes, and all kinds of problems during this last year. And the public, the traveling public, has been increasingly concerned as to whether or not the National Transportation Safety Board is functioning well in its relationship with the FAA and in relation to other areas.

I am not picking on you necessarily, but there is a specific requirement in the law that at least three members of the Board meet certain professional qualifications. As I review the backgrounds of the current members of the Board—and this is my opinion, because you were appointed by the President, and are not responsible for who else is on the Board. I want you to understand that I have serious concerns. I think we are below the law's minimum requirement for not less than three members to be appointed on the basis of professional qualifications, in my judgment, based on what I have seen so far.

And I do not know if you can provide me with any additional information, or maybe the administration can, but it appears to me that we are down to two members, at most, who have technical qualification, professional standing, and demonstrated knowledge in the fields of accident reconstruction, safety engineering, human factors, transportation safety, or transportation regulation.

What is your thinking on this?

Mr. HALL. Well, sir, I do not think, Senator, with all respect, that I am in a position to comment on that. I assume that is another individual's responsibility. You know, I am committed to do the job and I think I am qualified to do the job.

Senator PRESSLER. OK. I have many other questions, but I want you to know up front that the law's membership requirements are a serious matter to me. While I think you are a fine person and I do not have any personal animosity to impose, I also have a very serious problem as to whether or not we are meeting the law's requirements regarding membership. I have been concerned that individuals be appointed with experience and with safety backgrounds. But aside from my views, this also is what the law reads.

Mr. HALL. Well I would say, if I could comment further, that my perspective and background is a result of the excellent work done by the Members of Congress on the Anti-Drug Abuse Act of 1986. The State of Tennessee took that legislation which you passed here in Washington and it was my responsibility to develop a program to implement that legislation at the State and local level.

As a result, we investigated the impact of alcohol and drugs in the State of Tennessee and looked at how it related to transportation safety. We initiated legislation with the Governor's leadership, and with the cooperation of the general assembly passed that legislation, and that legislation has had a positive impact in saving lives of young people in the State of Tennessee. I think that is what the National Transportation Safety Board is all about, saving



lives and making our modes of transportation safe, and I think I have a strong record in that area.

As far as, again, the credentials of the other Board members and the evaluation of my credentials in regard to that statute, that is not my responsibility.

Senator PRESSLER. Well, I am sure that you did a lot of fine work. But in terms of technical qualification, I think we would both agree that you would be one of the members or one of the appointees who would be outside of this definition.

Mr. HALL. Well, I have tried to be candid about that in terms of my own opinion in that regard. I do not know that it is up to me to make that determination. As I said, I am very impressed with the work the Board has done in its past 25 years and with the qualifications and technical expertise that is available on the Board's staff.

Senator PRESSLER. In your view, are the DOT's modal agencies more quick to act on recommendations after the fact, after a catastrophic accident occurs? How can we ensure that after-the-fact action is not the norm?

Mr. HALL. Senator, I think it would be presumptuous for me at this time, not having experience as a Board member, to comment on that, other than I think the record of the National Transportation Safety Board in a number of areas indicates that there has been a good working relationship in many of those areas, and I would be committed to working closely with each one of those agencies. And if there are problems, I would have no problem at all in trying to address those and make the process more effective.

Senator PRESSLER. Now, if you could change the procedures of the modal agencies in deciding on a course of action to alleviate a safety problem, what changes would you make?

Mr. HALL. I do not think at this point in time, Senator, not having served at the Board and had working, hands-on experience with that, that I could give you an answer to that question.

Senator PRESSLER. OK. What actions would you take to provide greater assurances that the DOT and its modal agencies give NTSB recommendations their highest priority?

Mr. HALL. Well, as I just stated, I would not have any recommendations at this time. However, I would assure you that I would be actively involved to be sure there is close cooperation and to be sure that any recommendations that are advanced are implemented.

Senator PRESSLER. What is the NTSB's definition of an "unsafe condition"?

Mr. HALL. I am not aware that there is a formal NTSB definition of an "unsafe condition."

Senator PRESSLER. What would your definition of an "unsafe condition" be?

Mr. HALL. Well, I think that anything that would cause a mode of transportation to become hazardous would be one definition. But, you know, that is probably a pretty subjective matter.

Senator PRESSLER. For example, the National Commission To Ensure a Strong Competitive Airline Industry is about to report on the costs of certain safety rules. You will be one of the Nation's key decisionmakers in terms of deciding where costs override additional

safety measures. You obviously have thought a great deal about this. You are going into one of the most important safety jobs for the people of this country. Give us your philosophy of what an unsafe condition is, or at what point the costs of implementing new safety regulations override the results?

Mr. HALL. I do not believe that that is a matter that I have a philosophy on. I think at the Board you are basically charged with looking at a specific accident, and as a result of that accident making specific recommendations, and I do not think that cost is necessarily a factor that the National Transportation Safety Board considers. That possibly would be done in the agencies. I think we are supposed to specifically look at the problems and recommend measures that we think would be corrective actions.

Senator PRESSLER. I was very concerned about an aviation accident that occurred in Dubuque, IA, last April. The National Transportation Safety Board had issued at least two warnings or two letters to the Federal Aviation Administration based on a NTSB investigation of a prior accident over Utica, NY. The Dubuque accident resulted in the death of the Governor of my State. I am not pointing fingers of blame; however, how can the NTSB urge prompt action by the FAA in response to NTSB recommendations?

Also, I cited in some earlier hearings, a period over several years that FAA had taken to finalize its recommendations on refueling. Is the relationship between the NTSB and the FAA a correct one; do you feel?

Mr. HALL. Senator, I have attempted by attending Mr. Henson's hearing and reading public information that is available in regard to that accident, to gain as much knowledge as I can in my present position, not being a Board member about that accident.

As I mentioned to you earlier when I had the opportunity to make a courtesy call on you, I knew the Governor of South Dakota as a result of going with the Governor of Tennessee to some Governors' conferences. And therefore while I could not call him a personal friend, the tragedy impacted on me because when it happened, it was someone whom I knew, had met with, and had conversations with. So, I certainly understand your concern about that accident, both from a professional and a personal standpoint.

I think it would be, again, inappropriate for me, not being on the Board, or being familiar with the materials that might be available to the Board, to draw any conclusions other than to pledge to you, Senator, that my commitment would be, if a recommendation is made, to do everything I could to see that that recommendation was implemented as expeditiously as possible.

My experience with government at the State level and the Federal level is that usually, like many things in private life, you have to be on top of the situation and you have to stay after it. And I think that is why we have a Board, to make these recommendations and then to follow up with the modal agencies and to try to see that these recommendations are implemented.

Senator PRESSLER. As I have mentioned to you, I am very concerned by what I have called gridlock between the FAA and the NTSB. What are your suggestions for alleviating such agency inaction?

Mr. HALL. I have not have an opportunity to observe whether there is or is not gridlock. I can only pledge to you that if there is gridlock, that I would be very active in all of my efforts to alleviate it. And my experience with State government is that any time you are dealing with more than one agency, that there is a potential for gridlock and it is the responsibility of individuals who have leadership positions to be sure that does not happen.

Senator PRESSLER. Now, according to the working draft issued July 19, 1993, by the National Commission To Ensure a Strong and Competitive Airline Industry, the commissioners outlined several major findings regarding the cost of safety regulations.

Some of these findings include:

Federal regulations in airworthiness directives impose a massive cumulative cost burden on airlines which has never been quantified by the Government; major rules since 1984 have added \$3.5 to \$7.5 billion to past or future airline costs, based on an aggregation of FAA's original estimates of costs for specific rules; Congress, DOT, and FAA all contribute to this burden. Congress or DOT mandates can preordain the outcome of cost-benefit analyses; Given the extremely high level of safety in the airline industry which can make it increasingly expensive to achieve even incremental safety improvements, Federal regulators must do a better job of ensuring that additional requirements meet rigorous cost-benefit tests; Industry often warns of high costs while the FAA believes it is not provided with accurate data on costs early enough to make an informed judgment before proposing a rule.

What is your feeling on cost-benefit tests regarding safety?

Mr. HALL. Senator, I am not familiar with the work of that Commission, other than what I have read in the newspaper, and have not had the opportunity to read the report in its entirety. My position, as I see it, on the National Transportation Safety Board would be to protect the safety of the citizens of this country, and if charged with that responsibility, that would be the basis under which I would operate.

Senator PRESSLER. How is the cost benefit measured in terms of safety by the NTSB?

Mr. HALL. I do not have that information at this time, Senator.

Senator PRESSLER. Does the NTSB agree with the cost-benefit analysis of DOT's modal agencies? What are your views?

Mr. HALL. Well, as I stated earlier, I do not think at this point in time I have sufficient information to answer that question. That is certainly an area that I look forward to looking at if I have the opportunity to serve on the Board.

Senator PRESSLER. As a member of this committee, I am trying to get an understanding of your views, what you believe, and of what you think, because you are going to be one of the key people that we will be counting on in the United States in the area of transportation safety. Obviously in preparing for this hearing and this job, you have thought these issues through. Obviously, the Commission places high emphasis in weighing costs versus benefits when it comes to issuing safety regulations. Do you agree with this type of analysis?

Mr. HALL. Senator, my understanding, again, of my role at the National Transportation Safety Board is that we would be making specific recommendations in the safety area. And as far as I am concerned, I am going to be charged with the safety of the public, and will do my very best to ensure that any recommendations that the Board can make that would make any of the modes of transpor-



tation safer are recommendations that are given consideration and advanced.

Senator PRESSLER. Well, give me your view—how do you view the Board? I mean, what do you see as your principal role, in a very broad sense?

Mr. HALL. In a very broad sense, I would look to the fact that the Board was created 25 years ago by Congress as an independent board to advance safety in the various modes of transportation. And I would strive, Senator, to maintain that independence, to look at the matters in each one of these modes as they are brought to my attention, to rely, as I mentioned earlier, on the technical expertise of the members of the NTSB staff, and then to work with the other board members on making specific recommendations to advance safety across the transportation modes.

It is very similar, I think, to the position that I had in the Governor's office in Tennessee, in which we would attempt to investigate, evaluate, make decisions, and see that those decisions are implemented.

Senator PRESSLER. My colleague, Senator Inouye, has worked with the FAA for more than 2 years in efforts to ensure the enforcement of existing safety regulations requiring that pilots be able to see during emergencies involving hazardous quantities of continuous cockpit smoke. This action is based on evidence that such smoke incidents may have caused or contributed to several accidents in recent years in which hundreds of lives were lost. Boeing has publicly stated that they alone have lost seven jets where smoke in the cockpit was a suspected cause. To date, the FAA has not dealt with this safety problem. Seemingly, they choose instead not to define "dense continuous smoke" as "hazardous quantities of smoke."

Now, Senator Inouye has become frustrated and has introduced legislation, S. 787, to enforce this regulation by means of an airworthiness directive. What is your view of this and will you make this issue a priority for the NTSB's consideration?

Mr. HALL. Senator, I will certainly make any item that any Member of this committee or any U.S. Senator brings to my attention that concerns, in their opinion, safety in any of the transportation modes a priority of mine. I do not have enough information on that specific item to comment further.

Senator PRESSLER. But aside from a Senator bringing an issue to your attention, what is your general view on the continuous smoke issue—an issue that has been written about and has been controversial in the industry?

Mr. HALL. Again, Senator, I have not had the opportunity to serve on the Board and have all of the information and all the facts that I would need to comment on that subject.

Senator FORD. Larry, is it all right if some of the other Senators ask questions and then come back to you?

Senator PRESSLER. All right, fine, yes. But I have some more questions. I will come back.

Senator FORD. That will be fine. You have had about 20-some-odd minutes now, and I wanted to get around to other Senators.

Senator Hutchison, do you have some questions of Mr. Hall?

Senator HUTCHISON. Mr. Hall, why did you seek the appointment to the National Transportation Safety Board?

Mr. HALL. Well, basically, Senator, I became familiar with the work of the NTSB as a result of my responsibilities in Tennessee with the youth and alcohol problem in the transportation safety area, and as a result of the experience I had when the Governor asked me to work with and review the NTSB work on what we call the I-75 fog crash, which occurred north of Chattanooga near where I live, where there was multiple loss of lives.

Public service has been something extremely important to me, and I have pursued it every time it has been available to me, whether it was service in Vietnam, service on the U.S. Senate staff, or service with Tennessee State government. This opportunity to serve on the National Transportation Safety Board provides an area where I think I can as a result of my qualifications and background make a contribution.

Senator HUTCHISON. Have you been following the NTSB since that first experience that you had, and tried to stay up with the issues that they deal with?

Mr. HALL. Senator, I have been familiar with the NTSB since they came to our State when we had a major explosion in Waverley, TN. I believe there have been three investigations in the State of Tennessee and I have also followed some of the work of the Board. I had not, however, studied it in detail until I received this nomination.

Senator HUTCHISON. Did you seek the nomination or were you sought out?

Mr. HALL. No, ma'am, I sought the nomination.

Senator HUTCHISON. Let me ask you a couple of specific questions. Senators Danforth, Exon, Mikulski, and Lautenberg have introduced S. 738, the High Risk Drivers Act of 1993, which creates an incentive grant program to combat the major causes of young driver crashes, particularly alcohol, which is an area that I understand you are very concerned about. This bill provides grants to States which take certain steps, including enacting a 0.02 blood alcohol content standard for drivers under 21, a minimum 6-month license suspension for minors convicted of purchasing or possessing alcohol, and a minimum \$500 penalty for selling alcohol to a minor.

Would you support this bill as a member of the NTSB?

Mr. HALL. Certainly, if the legislation is enacted I would support it, Senator. Let me just say, based on my personal background in the State of Tennessee, that in many cases if we would be more proactive in the implementation of laws already on the books, we can make as effective an impact in terms of saving lives as we can with new legislation.

I, however, think that the legislation you have referred to is good. Just yesterday I read in the Washington Post that six young people in East Tennessee were killed in an accident involving alcohol. I think what we have got to do, however, at the same time is to be sure that our juvenile court system and our local law enforcement officials receive adequate training and education in terms of the importance of the implementation of the laws.

The National Highway Transportation Safety Administration has for a number of years put into States across the country, including



Tennessee, pilot programs. It was disappointing to me in the Governor's office to find out that there really is no clear way to evaluate the results of those programs and then to share pilot programs that were working with communities throughout the country.

So, I think implementation at the local level and at the State level of laws is extremely important and I think that it is an area where the Safety Board can take more initiative, working with Congress and working with, obviously, State and local governments.

Senator HUTCHISON. I really relate to your view that we should try to do things at the local level rather than enacting a Federal statute for everything. The NTSB has looked into this area and found that only 7 percent of licensed drivers are young, but 15 percent of the driver fatalities occur in this group. In addition, more than one-half of adolescent driver fatalities occur at night, despite the fact that 80 percent of adolescent driving is done during daylight hours.

The NTSB research has found that most States do allow a driver under the age of 21 to legally drive with alcohol in his or her system, even though most States, if not all, do not allow sale of alcohol to persons under 21. NTSB has recommended that States enact a zero blood alcohol content law and make it illegal for drivers under 21 to drive with any blood alcohol in their system.

So, this Federal statute that is being recommended goes along with that, with the incentives that the Federal Government is so famous for giving, and I would like to see us really focus even more on that. I think NTSB has done good research. You are obviously interested in it, and this might be an opportunity for you to really get in and try to make a better awareness around the Nation of this critical problem with our young people.

Another area I would like to ask you about is drug testing, random drug testing and alcohol testing for transportation professionals in the motor carrier, airline, and railroad industries. Do you support this?

Mr. HALL. Yes, Senator, I do support that. And if I might, I would like to comment just a little on your previous statement, in that that is an area that I have great concern with and have worked in, and it is an area where I think we need to be sure that if we are going to be putting restrictions on young people, that older drivers have the same restrictions or face the same tests.

You know, one of our great problems in this Nation is cynicism at all levels. And one of the things that we tried to do in Tennessee was to try to be consistent across the board in these areas. And my interest in this area is personal as well. I have a 17-year-old and a 15-year-old. My elder daughter was recently in an accident in a vehicle I had purchased because it had airbags. And the airbags exploded and she was not injured at all in that accident.

Senator HUTCHISON. They did not work?

Mr. HALL. You know, these are the types of personal things—what, ma'am?

Senator HUTCHISON. The airbag did not work? It exploded.

Mr. HALL. No, it did work.

Senator HUTCHISON. It did work?

Mr. HALL. And as a result, she was not injured. So, these things are very personal to me, and I think that in this area that is where you must have individuals that have a personal commitment to follow through and see that these things are done.

Senator HUTCHISON. Let me switch to aviation, because although you are a surface person, basically, you are going to find, if you do win this appointment, that a lot of the NTSB time and resources are in the area of aviation. And the relationship with NTSB and the FAA is very important. And Senator Pressler, as he was pressing his point I could not help but think that although you have quite a long Democratic background, you are going to understand what it feels like to be a Republican because the NTSB has a bully pulpit but it does not have the votes. And you are going to be able to talk a lot, but you do not have the leverage.

And I was sitting there thinking about that, because it is a very important relationship. But I think sometimes that the NTSB makes recommendations and puts them on a shelf and sometimes the FAA does too, and there is not very much followup. How do you feel about the followup possibilities on the recommendations that are made, particularly those that are the first priority? And do you think it is sufficient or do you think that more could be done?

Mr. HALL. Well, again, Senator, since I do not have the specifics let me just give you, if I could, my general feeling on that subject. And let me say that if I do have the opportunity to serve in this position by favorable action of this committee and the Senate, one of the first things I would like to do is call on you as a former vice chairman of the National Transportation Safety Board and learn from your experience on that Board, as well as a number of other distinguished citizens who have been recommended to me who have had the opportunity to serve on that Board.

I just feel generally that implementation is the one thing in Government that gets left out, and that in many cases, if we could place more effort and time on implementing, whether it is the laws on the books, rules, regulations, or recommendations, and to see those through, we would do a better job and we could improve our performance in many areas. And that is something that I would like to do.

And I would hope, the Board has a way of looking to see whether their accepted recommendations are actually being implemented. And I do know that the NTSB, particularly in the area of administrative revocation, has been active at the State government level in lobbying. So, I would think it is certainly appropriate that the Board should want to see not that it is just making its recommendations, but following through on those recommendations and seeing how they are doing.

Senator HUTCHISON. I have got a couple of other questions, but is Senator Mathews?

Senator FORD. You go right ahead. I think Senator Mathews has given up his time to the two Senators here.

Senator HUTCHISON. OK.

Mr. HALL. And I might add, if I could, just one other thing, Senator, and that is my mother, my father, and my brother were all Republicans. [Laughter.]

And so I do have some feeling.

Senator HUTCHISON. Well, you are going to find out.

Mr. HALL. And I grew up in east Tennessee and I am sure, if you do not already know, that that is an area of our State that is well populated with members of the Republican Party.

Senator HUTCHISON. Let me just ask you another two or three questions about the aviation side. Have you heard complaints about the air traffic control system? Just either since you were nominated or before that in the aviation community, have you heard complaints about the sufficiency and the technology of the air traffic control system?

Mr. HALL. Yes, Senator, I have heard the complaints. I really have not looked into it in any detail, but I have heard the complaints.

Senator HUTCHISON. Well, let me ask you this, do you have an opinion about whether the Airport Trust Fund expenditures are sufficient at this point for doing what we need to be doing in the air traffic control system, as well as in our airport infrastructure?

Mr. HALL. No, Senator, I do not. And let me say, again, I guess maybe expressing a sentiment that Senator Sasser mentioned as a way of advancing my own nomination here, I think one of the things that I can bring to the Board is a fresh perspective. I do not have any preconceived opinions or any associations with any industry groups with anything as a result of my law practice or my background, I think that would prejudice me in trying to come to the very best conclusions that I could independently.

Senator HUTCHISON. Let me just ask one last question. Do you think that the money collected from passengers, the tax that everybody pays when they buy an airline ticket, should be totally earmarked for airport improvements, as opposed to other potential uses for that money?

Mr. HALL. Senator, I would say, on first reflection, that I think that many times Government runs into a credibility problem where funds are collected for one purpose and then used for another. However, at the same time, having worked in the Governor's office and having an executive view of working with budgets, it is difficult sometimes when you have a large number of taxes that are earmarked, to be able to operate general government. But I think where a representation is made that generally it should be followed through on.

Senator HUTCHISON. So, you do think that the passenger tax should be earmarked just for airport improvements?

Mr. HALL. No, just for—improvements, no, ma'am. I am not familiar exactly what all it is earmarked for now. But I am saying whatever the statute says that it is earmarked, for I assume is how it should be utilized.

Senator HUTCHISON. OK. No further questions.

Senator FORD. Mr. Chairman, your comments, please.

#### OPENING STATEMENT OF SENATOR HOLLINGS

The CHAIRMAN. Today I welcome to this committee hearing Frank E. Kruesi, nominated to be Assistant Secretary for Transportation Policy, and Louise Frankel Stoll, nominated for the position of Assistant Secretary for Budget and Programs, at the Department of Transportation.

If confirmed, Mr. Kruesi would bring an important perspective to DOT, having worked for many years in Chicago. His experience as chief policy officer for the mayor and in other various positions that he has held with city, county, and State government would be helpful to him in this new position for which he has been nominated. I am sure that, given his experience, he recognizes the importance of transportation policy to the Nation's economy and in positioning our country to compete more effectively with the rest of the world.

The United States has a world-class transportation system that must be maintained. Recently, we have been reminded of its importance to the Nation's economy as we have witnessed the destruction and dislocation brought on by the floods in the Midwest. This country also must look to new technologies to provide improved transportation services. Tasks such as these are challenging, particularly given the current fiscal constraints we must confront. If confirmed, Mr. Kruesi will be faced with these important issues as the first Assistant Secretary whose principal task is to focus on our domestic transportation needs.

Ms. Stoll is well prepared to assume the responsibility at DOT for budget and program issues. She has served in high-level budget and agency management positions with the city and county of San Francisco and, most recently, as a senior executive with broad responsibilities in a private-sector firm. With the important and varied safety and program responsibilities of the various modal agencies at DOT, her public-sector and private-sector experience makes Ms. Stoll particularly qualified to assume this responsibility.

I look forward to hearing the testimony of each of these nominees.

Thank you, Mr. Chairman.

Senator FORD. Thank you, Mr. Chairman. I have just talked to Senator Pressler. He has another round, Jim, and we have a Senator in the audience that would like to present another nominee, and I would like to accommodate all my colleagues. And so if you would not mind, I would like to get Senator Moseley-Braun from Illinois to the desk and she can make her statement as it relates to the nominee to follow, and then we will get back to you, Jim. You may sit there.

And, Carol, you may come up here to the front. I apologize for keeping you so long.

#### **STATEMENT OF HON. CAROL MOSELEY-BRAUN, U.S. SENATOR FROM ILLINOIS**

Senator MOSELEY-BRAUN. Thank you very much, Mr. Chairman, members of the committee.

Mr. Chairman, I want to thank you for the opportunity to appear before this committee to introduce Frank Kruesi, and thanks to the members of the committee for deferring your second round of questions so that I could make this introduction.

I have personally known Frank Kruesi for over two decades. I may be dating both of us, but I have known him for quite a long time. We were both at the University of Chicago at the same time. We were both long time Hyde Park residents and neighbors. He worked as a legislative staffer in the Illinois General Assembly while I was a member of that body. We worked together on issues



such as eliminating the sales tax on food and medicine, child abuse issues, nursing home reform, and transportation, finance and funding.

He later served as the executive officer of the Illinois Cook County State's Attorneys Office, working to improve the criminal justice system. While he was there—and he laughed when I reminded him of this, but while he was there we had a lengthy correspondence on the somewhat esoteric subject of jury selection and the *voir dire*.

More recently, Frank was the chief policy officer for the city of Chicago, helping shape Chicago's Federal legislative program. In that post, because Chicago is one of the Nation's largest cities and one of its most important transportation hubs, he has been extensively involved in transportation issues. Frank knows transportation both as a matter of public policy, as well as a matter of practical implementation.

Illinois and Chicago sit at the intersection of many modes of transportation, including aviation—we have, as you know, the world's busiest airport—rail, highways, and waterways. We have it all, and in abundance. Frank's goal was and is to serve the people, to maintain the existing transportation infrastructure, and to develop and expand the system to serve the future, all in the context of a decreasing share of Federal funds.

Frank Kruesi's work on the Lake Calumet airport proposal, the Chicago downtown light rail circulator, the new O'Hare international terminal, the issuance of Chicago's first ever motor fuel tax bonds for capital improvements, the upgrade of Chicago's transit authority stations, and the adoption of new and relatively inexpensive street resurfacing techniques called scarification, as well as intermodal systems for the Port of Chicago and its shipping industry, demonstrates an extensive understanding of both the law and of the need to maintain our existing infrastructure.

He knows the importance of planning and preparing for the future. As a policy advisor to the second-largest city in the country in a State that is a major transportation center for our country, Frank understands how transportation policy affects communities. He knows about the real world impact of public policy and how it affects real people.

He has been on the front line in carrying out and implementing Federal programs and fostering intergovernmental cooperation. This is extremely important experience because Federal transportation programs directly impact all Americans. His experience will bring the kind of sensitivity that is necessary for the position of Assistant Secretary for Policy for the Department of Transportation.

Throughout his many years of public service, Frank Kruesi has served the State of Illinois and the city of Chicago well. He is highly regarded everywhere he has worked. He is known to be thoughtful, well versed, and creative, and a real problemsolver. Throughout his career, he has been able to bridge the gap between the public sector and academia, and the business community I might add, and to make the best public use of everything that private and philanthropic organizations have to offer.

I know that he will also serve this Nation well as Assistant Secretary for Policy for this Department. I heartily endorse him and

I thank the committee for giving me the opportunity to speak on behalf of a man of great knowledge and experience, Frank Kruesi.

Thank you.

Senator FORD. Thank you, Senator. And Frank Kruesi, we will ask you to step back and we will finish with Mr. Hall. We will have kind of a piecemeal operation here today.

Mr. KRUESI. I am not sure I have anything else I need to say, Senator, after that. [Laughter.]

Senator MOSELEY-BRAUN. Thank you.

Senator FORD. Well, if a lot of us just be quiet, the others would talk nice about us, and we will be all right. [Laughter.]

Senator MOSELEY-BRAUN. Thank you, Mr. Chairman and members of the committee.

Senator FORD. Mr. Hall, if you will come back up. I believe Senator Pressler has another round.

Senator PRESSLER. Mr. Hall, I very much appreciate the experience you have had working against alcohol abuse. What is your view on our Federal drug and alcohol testing policies in regard to transportation?

Mr. HALL. Senator, I again have not had the opportunity work with that policy in great detail, but I basically support alcohol and drug testing in the transportation area, particularly where individuals are operating equipment in which other individuals are dependent upon the operators' faculties.

Senator PRESSLER. The DOT has issued a proposed rule on random alcohol testing. What are your views on random alcohol testing of people who operate transportation equipment?

Mr. HALL. I am not familiar, again, with that rule. Generally my feeling would be, again, where an individual is responsible for the safety of others, I would be in support of random testing.

Senator PRESSLER. Would you please review that DOT rule and answer my question for the record? Could you do that?

Mr. HALL. Yes, sir.

[The information referred to follows:]

I have requested the DOT to provide me with a copy of the rules and companion notices on the proposed rulemaking and plan to review them as soon as received. However, I did contact the NTSB about its position on the rules [a copy of the comments submitted to the DOT in April of the year may be found in the appendix of this hearing]. If confirmed, I will work with the other Safety Board members to gain acceptance at the DOT of the improvements being sought in the proposed rules.

Senator PRESSLER. A constant complaint voiced against some of the agencies from the aviation community is the lack of regulatory consistency between the various FAA regions. Each region appears to have its own interpretation of regulations.

What are your views on regulatory inconsistencies between FAA regions? Are such claims legitimate? And if so, do such inconsistencies jeopardize aviation safety?

Mr. HALL. Again, Senator, I do not have at this time the working knowledge in that area to be responsive to the question. However, again, as with all these items that you are mentioning, I would be glad to work with you to address any specific concerns to be sure that the system is working.

Senator PRESSLER. Are you aware of the problem of the inconsistency between the various regions? Could you give us some description of the problem?

Mr. HALL. Senator, I am not. I do not have any personal knowledge of that. No, sir.

Senator PRESSLER. Let me ask a couple of questions on railroad safety. What are your views and suggestions for improving rail safety mechanisms such as improved lighting systems or other safety designs for railroad traffic?

Mr. HALL. Senator, again I do not have any specific views on that subject because I have not had the opportunity to look at that area closely. However, I look forward as a member of the board, if confirmed, to look in each of those areas and try to exercise the responsibilities that I have been charged with.

Senator PRESSLER. I have some other questions on rail safety, but I am afraid we would go down the same route.

Let me turn to the issue of pipeline safety. While hazardous liquid pipelines are essential to the transportation of energy resources, they also have caused significant problems both to humans and the environment. In my home State, pipeline problems have forced homes to be evacuated, and I am sure that is true in all States. In fact, pipeline problems have even caused an entire elementary school in South Dakota to be relocated. Most recently, a leak went undetected for a number of months very close to the water supply for our State's largest city, Sioux Falls.

Assuming you are confirmed, what would be your goals for improving the safety of the hazardous liquid pipeline network of approximately 1.8 million miles?

Mr. HALL. Well, Senator, I would want to work with the other members of the Board and with the technical staff in this area to implement any existing regulations and to look at the system and evaluate it, and hopefully make recommendations that would make the system safer.

Senator PRESSLER. But you have no specific recommendations or goals in that area?

Mr. HALL. No, sir, not at this particular time, not having had the opportunity to serve on the Board and work in that area extensively I do not. I think it would be premature or presumptuous for me right now to have any specific recommendations.

Senator PRESSLER. Last year, my legislation to increase the number of hazardous liquid pipeline inspectors by 12 was included in the reauthorization of the Pipeline Safety Act. One of my objectives was to provide technical assistance and training to State pipeline inspectors because of the large number of accidents.

What are your views on how these positions can improve the safety performance of pipelines?

Mr. HALL. Senator, I compliment you on the initiative in that area. I am not familiar with the legislation. However, as a member of the Board, I would be committed to work with you in that area.

Senator PRESSLER. What are your views regarding State pipeline inspection programs?

Mr. HALL. My general view is they are obviously very, very important, and the cooperation and coordination in that area between

Federal inspectors and State inspectors I think is important as well.

Senator PRESSLER. Now, only a few States have hazardous liquid pipeline inspection programs. In your view, should all States have a State hazardous liquid pipeline inspection program?

Mr. HALL. Senator, I do not know, but that is an area I look forward to examining and discussing with you or making recommendations in the future.

Senator PRESSLER. What are your views on the new technological advancements including leak detection systems on pipelines? Is this technology being used by pipeline companies sufficiently? If not, what can be done to expand the usage? Is further research needed? And as a member of the NTSB, what will you do about this?

Mr. HALL. Again, as a member of the NTSB I would look forward to looking into those areas, and making recommendations. And as we discussed previously, work for implementation of any recommendations that the Board deems appropriate in that area.

Senator PRESSLER. Both hazardous liquid and natural gas pipelines can be found in populated areas as well as environmentally sensitive areas. In your view, should the pipelines located in those areas be rerouted or are there other safety steps we can take?

Mr. HALL. Senator, I again do not have enough information in that area to make recommendations. Generally, as we both know, pipelines criss-cross a lot of areas that are presently populated, and every effort should be made to work on future pipeline construction to be sure that it avoids where possible populated areas, and at the same time ensure, so that we do everything that we can to be sure that the existing pipelines are as safe as possible.

Senator PRESSLER. Thank you. I think that concludes my round of questions. I may have one or two additional questions for the record.

Mr. HALL. Thank you, Senator.

Senator MATHEWS [presiding]. Thank you. Senator Hutchison, do you have additional questions?

Senator HUTCHISON. No questions.

Senator MATHEWS. Does any other member have any other questions?

[No response.]

Senator MATHEWS. Thank you, Mr. Hall.

Mr. HALL. Thank you, Mr. Chairman.

Senator MATHEWS. Mr. Kruesi, if you would return we would afford you an opportunity to make your opening statement and then open the session for questions.

#### **STATEMENT OF FRANK EUGENE KRUESI, NOMINEE TO BE ASSISTANT SECRETARY FOR TRANSPORTATION POLICY, DEPARTMENT OF TRANSPORTATION**

Mr. KRUESI. Mr. Chairman and members of the committee, thank you for the opportunity to appear before you today as you consider my nomination the position of Assistant Secretary of Transportation for Transportation Policy.

I am honored by the trust and confidence bestowed upon me by the President and Secretary Peña in nominating me for this new



position. I also want to express my personal appreciation to Senator Carol Moseley-Braun for introducing me to this distinguished committee.

I have known and worked closely with Senator Moseley-Braun, as she indicated, long before she was elected to the U.S. Senate, while she served on the Illinois General Assembly and I was legislative aide to then-State Senator Richard M. Daley, and during her service as Cook County Recorder of Deeds, when I was the executive officer of her office's law firm, the Cook County State's Attorney Office. I am proud to count her as a friend and to count myself as an admirer of her long and pathbreaking public service.

Allow me to briefly summarize my background and experience for this committee, and I will make it very brief because Senator Moseley-Braun said far more articulately than I could have what I have done in transportation.

Although I have never worked for the Federal Government I have worked with the Federal Government in the course of my duties over the past 16 years for Richard M. Daley, first as his legislative aide in the Illinois State Senate, then as the executive officer during his 8 years as Cook County State's Attorney, and most recently as the chief policy officer of the city of Chicago throughout his 4 years as mayor.

Mayor Daley has been my teacher and my friend. From him I have learned and have been constantly reminded to always think of the consequences of governmental decisions and actions on people, and from him I learned to experience what is really going on and to continually think of how to make government work better for people.

While I have much to learn, I believe I would bring a useful perspective to this position gleaned from my experience. I have been privileged to serve the public in State, county, and municipal governments. I have worked in the legislative, judicial, and executive branches of government. From time to time I have taught courses on aspects of American Government. From these varied perspectives I have gained a broad understanding of the development, implementation, and review of governmental policies in a wide range of areas, including transportation.

During the past 4 years as chief policy officer for the city of Chicago I have been immersed in transportation matters from a local perspective. Chicago long has served as a transportation hub of our Nation and sits at the intersection of many modes of transportation—aviation, roadways, public transit, rail, and waterways. I have worked to maintain and enhance the city's existing transportation networks, and to develop ways to build on those foundations with varied projects. Senator Moseley-Braun summarized those projects, and so I will not do so again.

My transportation experience has been largely locally focused, but has encompassed many modes. While contributing to these transportation projects I have come to appreciate the impact of Federal transportation policies on the development of Chicago, the region, and the Nation. This impact is even more profound because of recent Federal legislative initiatives that are fundamentally changing the ways transportation planning and development will occur throughout our Nation for years to come by forging inter-

modal linkages and by better integrating efforts to enhance transportation safety, effectiveness, efficiency, and sensitivity to the environment.

I have no illusion that sound policy can be developed and implemented in a vacuum. On the contrary, it requires reaching out to Congress, to transportation experts around our Nation, to the States and communities most immediately affected by decisions, and to the industries and labor that work day-in and day-out to provide their customers the highest quality transportation services in the world.

If confirmed, I would welcome the opportunity help develop and implement these initiatives—to work together with the committee, the Congress, labor and industry, the public, the academy, and State and local governments.

If I am fortunate enough to be confirmed, I pledge to remember that the Federal Government, no less than State and local government, exists to serve people, and to keep in mind that its decisions affect people's lives for better or worse.

If confirmed, I would always strive to help shape American transportation policies that enrich the lives of Americans and that contribute to the prosperity of America.

Again, thank you very much for taking the time to schedule this hearing today. I would be pleased now and in the future to answer any questions that you might have. But before we get to that, I would like to introduce my fiancé, Barbara Grochalla to this committee.

[The prepared statement, biographical data, and prehearing questions and answers of Mr. Kruesi follow:]

#### PREPARED STATEMENT OF FRANK EUGENE KRUESI

Thank you for the opportunity to appear before you today as you consider my nomination to the position of Assistant Secretary of Transportation for Transportation Policy. I am honored by the trust and confidence bestowed upon me by the President and Secretary Peña for this new position.

Allow me to briefly summarize my background and experience for this Committee. Although I have never worked for the federal government, I have worked with the federal government in the course of my duties over the past sixteen years for Richard M. Daley, first as his legislative aide in the Illinois State Senate, then as his Executive Officer during his eight years as Cook County State's Attorney, and most recently as the Chief Policy Officer of the City of Chicago throughout his four years as Mayor.

Mayor Daley has been my teacher and my friend. From him I learned—and have been constantly reminded—to always think of the consequences of governmental decisions and actions on people. And from him I learned to get out and experience what is really going on and to continuously think of how to make government work better for the people.

While I have much to learn, I believe I would bring a useful perspective to this position gleaned from my experience. I have been privileged to serve the public in state, county, and municipal governments. I have worked in the legislative, judicial, and executive branches of government. From time to time, I have taught courses on aspects of American government. From these varied perspectives, I have gained a broad understanding of the development, implementation, and review of governmental policies in a wide range of areas, including transportation.

During the past four years, as Chief Policy Officer for the City of Chicago, I have been immersed in transportation matters from a local perspective. Chicago long has served as a transportation hub of our nation and sits at the intersection of many modes of transportation, including aviation, roadways, public transit, rail, and waterways.

I have worked to maintain and enhance the city's existing transportation networks and to develop ways to build on those foundations with varied projects. Allow

me to touch on some of these initiatives. In aviation, I was active in efforts to select a site in Chicago for a third regional airport, obtain Congressional approval to authorize imposition of Passenger Facility Charges (PFC's), construct a state-of-the-art International Terminal and People Mover light rail system at our nation's busiest airport, and develop the work plan for master planning of both O'Hare and Midway airports. In roads, I worked on Chicago's first-ever motor fuel tax bonds for \$76 million in capital improvements, adopting the relatively inexpensive street resurfacing technique called scarification, and on expanding roadway, sidewalk, and parking beautification programs. In public transit, I worked on the innovatively-funded downtown light rail circulator now in its engineering stage, on upgrading lighting around newly-renovated and disabled-accessible Chicago Transit Authority stations, and on the commuter rapid transit link from Midway Airport and its surrounding communities to the Loop. In rail, I helped to develop initiatives with other public agencies and rail carriers to improve the upkeep and maintenance of rights-of-way and to renovate Chicago's Union Station. Finally, for maritime, I have worked to gain legislative support for the Port of Chicago's on-going modernization program and trade expansion efforts. So, although my transportation experience has been largely locally-focused, it has encompassed many modes.

While contributing to these transportation projects, I have come to appreciate the impact of federal transportation policies on the development of Chicago, the region, and the nation. This impact is even more profound because of recent federal legislative initiatives that are fundamentally changing the ways transportation planning and development will occur throughout our nation for years to come by forging intermodal linkages and by better integrating efforts to enhance transportation's safety, effectiveness, efficiency, and sensitivity to the environment.

I have no illusion that sound policy can be developed and implemented in a vacuum. On the contrary, it requires reaching out to Congress, to transportation experts around our nation, to the states and communities most immediately affected by decisions, and to the industries and labor that work day-in and-day-out to provide their customers the highest quality transportation services in the world.

If confirmed, I would welcome the opportunity to help develop and implement these initiatives—to work together with this Committee, the Congress, labor and industry, the public, the academy, and state and local governments.

If I am fortunate enough to be confirmed, I pledge to remember that the federal government, no less than state and local government, exists to serve people and to keep in mind that its decisions affect people's lives, for better or worse.

If confirmed, I would always strive to help shape transportation policies that enrich the lives of Americans and that contribute to the prosperity of America.

Again, thank you very much for taking the time to schedule this hearing today. I would be pleased, now and in the future, to answer any questions you might have.

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#### BIOGRAPHICAL DATA

Name: Kruesi, Frank Eugene; address: 1813 Paul Spring Road, Alexandria, VA 22307; business address: Office of the Secretary, Department of Transportation.

Position to which nominated: Assistant Secretary for Transportation Policy, Department of Transportation; date of nomination: July 22, 1993.

Date of birth: July 12, 1950; place of birth: Marblehead, MA.

Marital status: Divorced; names and ages of children: Elizabeth Ann Kruesi, 10; and William Shepardson Kruesi, 7.

Education: University of Chicago, 9/72-6/77, MA and Ph.D. candidate; Middlebury College, 9/68-5/72, BA; Union College, 6/7/69-6/7/70; and The Lennox School, 9/66-5/68, High School Diploma.

Employment: 6/93-Present, Secretary of Transportation, Special Advisor to the Secretary; 5/89-5/93, Richard M. Daley, Chief Policy Officer; 12/80-5/89, Cook County State's Attorney, Executive Officer; 12/88-5/89, 12/82-2/83, 7/80-12/80, Richard M. Daley Campaign Committee, Issues Director; 1/87-4/87, Thomas P. Hynes Campaign Committee, Issues Director; 4/77-8/80, Illinois State Senate Majority Leadership, Legislative Development; Fall 1979, Rosary College, Political Science Lecturer; Winter 1978, DePaul University, Political Science Dept., Lecturer; 10/75-4/77, Illinois Governor's Commission for Revision of the Mental Health Code, Legislative Development; 6/75-10/75, Illinois Governor's Commission on Individual Liberty and Personal Privacy, Legislative Development; Fall 1974, Loyola University, Political Science Department, Lecturer; and 1972-74, Hyde Park Bank & Trust, Part-time teller.



Government experience: 6/93–Present, Secretary of Transportation, Special Advisory to the Secretary; 5/89–5/93, Richard M. Daley, Mayor of Chicago, Chief Policy Officer; 12/80–5/89 Cook County State's Attorney, Executive Officer; 4/77–8/80, Richard M. Daley/Thomas P. Hynes, Illinois State Senate Majority Leadership, Legislative Development; 10/75–4/77, Illinois Governor's Commission for Revision of the Mental Health Code, Legislative Development; and 6/75–10/75, Illinois Governor's Commission on Individual Liberty and Personal Privacy, Legislative Development.

Political affiliations: Registered Democrat since first eligible to vote (1972); 12/88–5/89, 12/82–2/83, 7/80–12/80, Richard M. Daley Campaign Committee, Issues Director; and 1/87–4/87, Thomas P. Hynes Campaign Committee, Issues Director. No financial contributions.

Memberships: St. James Episcopal Cathedral, Chicago, IL; Grace Episcopal Church, Hinsdale, IL; and St. Paul and the Redeemer Episcopal Church, Chicago, IL.

Honors and awards: None.

Published writings: None (in my own name).

QUESTION ASKED BY THE COMMERCE COMMITTEE AND ANSWERS THERETO BY MR.  
KRUESI

GENERAL QUALIFICATIONS/RESPONSIBILITIES

*Question.* Your office was recently created by the Secretary of Transportation. If confirmed, your responsibilities would appear to be extremely broad. What do you see as the priorities of the office?

*Answer.* My number one objective will, of course, be to provide sound policy advice to the Secretary. That advice must be based on careful research and analysis, consultation with affected interests, and consideration of national priorities, such as deficit reduction.

More specifically, we must continue to develop effective approaches to the key problems facing the transportation sector. In my view, some of the top priorities are: (1) increasing investment in transportation infrastructure; (2) assuring the competitiveness of our transportation industry, both domestically and internationally; (3) continuing to improve transportation safety, especially highway safety; and (4) assuring that environmental protection is an integral part of all transportation programs and projects.

*Question.* In your role in Chicago, Illinois, as Chief Policy Officer For Mayor Richard Daley, you experienced first hand the needs of a big city's transportation system. How will that experience help you in addressing the needs of small communities?

*Answer.* I originally moved to Chicago in 1972 to begin my graduate studies and have spent my adult life there. However, I have first-hand experience with much smaller communities, as well. I grew up in small towns and mid-sized cities, including Pittsfield, Massachusetts; Schenectady, New York; and Erie, Pennsylvania. attended college for four years in Middlebury, Vermont and spent many summers in the Adirondack Mountains of upstate New York outside of the small town of Corinth. In addition, for the four years I worked for the Illinois General Assembly, I lived for several months each year in Springfield. And, of course, there are few better ways to become sensitized to the challenges and opportunities facing small communities than to hear them firsthand from their legislative representatives.

*Question.* As we all have witnessed, the floods in the Midwest have devastated vast areas and greatly affected the Nation's transportation system. Roads and bridges are under water, and many have been washed out. Several small airports also are under water. Rail service has been severely disrupted. If confirmed, what role will you play in restoring the transportation system in this area? When do you anticipate knowing the full extent of the damage? What amount of funds will be available to tackle the problems under the current program, exclusive of any emergency aid that is forthcoming?

*Answer.* I anticipate that my direct role in the restoration of transport service in the flood affected area will be relatively small, although Secretary Pea has enlisted everyone in his office to pitch in throughout this massive natural disaster. Other parts of the Department, however—the Coast Guard, FHWA, FRA—will have major roles, both in channeling Federal financial aid and in providing operational and technical assistance.

For example, FHWA engineer teams are already doing damage assessment work in the area, as are Coast Guard personnel with respect to the navigation channels.

I believe it will be several weeks before we have a good estimate of the damage to the transportation infrastructure. First of all, the damage covers a very large

area in several states. Much of the damage is presently hidden by the flood waters and we are told that the flood waters can be expected to subside only very slowly. Even then, the ground will be saturated and it will not be until normal soil moisture levels are reached that the threat to heavy structures and levees can be confidently assessed.

In addition to the emergency supplemental appropriations bill for flood relief funding, H.R. 2667 (which contains \$10 million for the Coast Guard; \$125 million for FHWA and \$21 million for FRA's Local Rail Freight Assistance Program) other DOT funding may be available for flood assistance.

State and local authorities have a great deal of flexibility in programming funds made available under the Intermodal Surface Transportation Efficiency Act and can use some of these resources to restore and repair highway and public transportation facilities damaged by the flood, and the Department is committed to assisting in this huge undertaking.

As flood damage to airports is assessed, the FAA's field offices will work with local authorities to bring available Airport Improvement Program resources to bear on the problems identified.

*Question.* Alcohol and drug use remain problems for transportation safety. Alcohol-related deaths on our highways continue to plague the nation. What steps do you believe are needed to address this problem? When will the Department (DOT) finalize rules on alcohol testing of transportation workers?

*Answer.* The vast majority of the nation's alcohol-related highway deaths occur in crashes of private automobiles and trucks, where the DOT has no direct jurisdiction over the drivers involved. In recent years, the National Highway Traffic Safety Administration (NHTSA) has had success in working with state and local governments as well as with non-governmental organization in reducing the alcohol-related highway death toll. There were 17,699 highway fatalities involving alcohol in 1992, down from 19,900 in 1991. While progress is gratifying, there is still a long way to go and there is no easy route. We need increasing pressure along the lines we have been following to get stiffer penalties for drunk driving, to enforce existing laws like the age 21 drinking law, and to convince people that drinking and driving is not acceptable.

The Notices of Proposed Rulemaking implementing the Omnibus Transportation Employee Testing Act of 1991 were finally issued under the previous Administration in December, 1992. Comments to the docket and the public meetings became available in March. As you might expect, the issues raised by these proposed rules affecting so many people in so many industries were thorny. A team of senior representatives of all the DOT Operating Administrations, including people from the Policy Office, has been working to resolve these issues. I understand that as of the end of July, they have worked the problem down to a handful of key decisions that need to be made. Policy staff tells me that it would normally take another six to twelve weeks to finish the paperwork, get approval from OMB, and publish the final rules in the Federal Register.

#### SURFACE TRANSPORTATION

*Question.* If confirmed, what do you perceive to be the appropriate role of your office in relation to other offices of DOT in fostering intermodal synergies in freight surface transportation and intercity passenger transportation? What will you seek to accomplish specifically in these areas if confirmed?

*Answer.* It is my belief that the appropriate role for the Policy Office in the Office of the Secretary of Transportation is to develop and enunciate a transportation policy framework that is explicitly intermodal. This means that we will work with other DOT policy and program offices and with the Bureau of Transportation Statistics in OST to develop and implement systemwide performance data collection, planning tools, evaluation techniques and program structures. This will bring to the transportation policy and program management process a multimodal perspective that will highlight and focus attention on the intermodal synergisms that are a necessary part of a truly integrated, multimodal transportation system. As your question suggests, it is in the freight and intercity passenger components of the system where great progress is possible, and I will be directing specific attention to these areas.

If confirmed, I will be working to bring about the development of the systemwide data, planning and evaluation tools that I have already mentioned. I also believe that we need to look at changes to existing programs that could allow funds to flow to their most efficient transportation uses, unhindered by some of the structural barriers which now exist. Moreover, I think that some changes may be possible in the Department's organizational structure that would improve our ability to func-

tion in a more intermodal fashion. Though I would need to examine these areas in more detail before being more specific, I believe that progress is needed in all of them and would hope to be able to bring that progress about.

*Question.* Please provide your views concerning the requirements for capital investment in the nation's surface transportation infrastructure. How can DOT ensure that its public sector investment decisions are made wisely?

*Answer.* The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) recently published their first joint report on highway, bridge, and transit needs. Prior to this report, they each independently produced reports for their own modes. The combined report provided estimates of highway, bridge, and transit needs for two alternatives: maintaining current conditions and improving conditions.

These needs estimates are based on analyses conducted by FHWA and FTA. However, most of the decisions on where investment funds are actually spent are made by State and local agencies. To assure that these funds are spent in a cost-effective manner, the Department of Transportation has planning and project development process criteria that require the consideration of alternatives and evaluation of impacts. In addition, since State and local governments must share a substantial part of the investment costs, they are motivated to spend their funds effectively as well.

I would like to begin a process to evaluate the manner in which the Department develops transportation needs estimate and to develop new approaches that address needs on a multimodal basis. This effort would also look at the manner that investment decision are made at the State and local level needs.

*Question.* What is your view as to the effectiveness of the Staggers Rail Act of 1980, the Motor Carrier Act of 1980, and the Bus Regulatory Reform Act of 1982? Under what circumstances do you believe DOT should participate in economic regulatory matters pending before the Interstate Commerce Commission?

*Answer.* Although their economic circumstances differ substantially, the railroad, trucking, and bus industries have benefited from partial deregulation. The railroads have become stronger financially, have upgraded their track and equipment, and have been able to provide better service at lower rates to most shippers. The trucking industry has been at the forefront of a virtual revolution in how U.S. businesses conduct their overall logistics operations, with total annual savings estimated at nearly \$40 billion dollars. However, the intercity bus industry has been shrinking since well before the 1982 legislation. Competition from the ubiquitous private automobile and affordable air travel will continue, but the 1982 reforms offer the bus industry a better chance to meet this competition.

As in the past, DOT will continue to participate in selected Interstate Commerce Commission proceedings that embody issues of national importance to transportation policy.

*Question.* How do you see Amtrak's role evolving over the next decade? To what extent, under what conditions, should competition in the provision of high-speed rail services be encouraged?

*Answer.* We believe that Amtrak should continue to operate the national rail passenger system and that one of our goals should continue to be to achieve operating self-sufficiency through operating cost reductions and revenue enhancements. Over the next decade, we believe there should be significant service improvements as Amtrak acquires new equipment and our proposed high speed ground program is implemented. Under current statutes Amtrak would be involved in any high-speed rail services developed over intercity routes that it currently serves. The Rail Passenger Services Act provides that no other party may provide service without the consent of Amtrak. It would be the responsibility of the State sponsor to select the proposed operator for high speed rail service that develops on routes not now served by Amtrak.

With respect to the question on the desirability of competition in the provision of high speed rail service, competition would provide a spur for increased efficiency and improved service. However, these considerations must be weighed against any adverse system effects of having different operators for different segments of the system. Also, if the best routes were operated by different carriers, Amtrak would have no potential to ever attain operating self-sufficiency.

*Question.* As you know, the National Highway Traffic Safety Administration (NHTSA) is the agency responsible for the implementation of highway and vehicular safety regulations and programs. What is your opinion of the appropriate policy role of this agency, particularly regarding consumers and industries directly affected by the agency's decisions? What kind of relationship do you believe should exist between the office which you have been nominated to direct and NHTSA?

*Answer.* NHTSA's policy role is well defined in its enabling legislation, chiefly the Highway Safety Act of 1966, the Motor Vehicle Information and Cost Savings Act,



and the National Traffic and Motor Vehicle Safety Act of 1966. These legislative mandates spell out procedures for development and implementation of safety regulations and related programs. Over the years, NHTSA has developed open and productive relationships with the industry it regulates, with consumers, and with numerous safety groups. I understand from DOT career staff that NHTSA is held in high esteem as being fair and reasoned in its actions and decisions and deeply committed to improving highway safety.

The relationship between NHTSA and the OST Transportation Policy Office should be one of mutual respect and open exchange. The Policy Office should be particularly focused on assuring that safety approaches in all transportation modes are mutually reinforcing and consistent. I would expect my staff to be well informed on all facets of transportation safety. I hope to develop a personal relationship with the yet-to-be-named NHTSA Administrator that will allow us and our staffs to be mutually supportive.

#### AVIATION

*Question.* Will your office be responsible for domestic aviation issues such as air traffic control modernization, research and development? Other economic issues, such as slots, noise, peak-hour pricing, revenue diversion, would appear to fall more within the responsibility of the Assistant Secretary for Aviation. If confirmed, what role will you have with respect to these issues?

*Answer.* My office will have policy oversight with respect to such issues as air traffic control modernization, research and development, safety, noise, peak hour pricing, CRS policy, and airport revenue diversion.

The Assistant Secretary for Aviation and International Affairs will have oversight with respect to international air service negotiations and agreements, certain aspects of slots, the Essential Air Service Program, fitness determinations, certifications etc.

While there is probably a grey area where we may both have interests, I think it is small and we will simply give our policy advice to the Secretary jointly.

A good way to think about the dividing line between the two offices in the aviation area is the following:

Assistant Secretary for Transportation Policy: all matters affecting the statutory grant and operational programs of the FAA.

Assistant Secretary for Aviation and International Affairs: all matters affecting Essential Air Service, international air commerce, the airline industry, licensing and certification and fitness.

*Question.* The Secretary recently announced that the Departments of Defense and Transportation would begin to review the many issues surrounding the global positioning system. What role will your office leave in this process? To what extent do you intend, if confirmed, to see the views of the industry on the issues that must be addressed before a fully developed system can be deployed?

*Answer.* The Policy office is chairing the Department of Transportation delegation in the discussions with the Defense Department. Secretary Peña has expressed a strong commitment to assuring the maximum utilization of GPS technology for transportation and other civilian sector purposes, consistent with maintaining the national security functions of the system, and the DOT delegation is pursuing this objective.

Certainly the views of industry and the full user community are essential to these deliberations. To a very considerable degree, industry has already spoken on this matter-spoke with its checkbooks. Investments in GPS technologies is occurring rapidly, and to some degree, the DOD/DOT consultations are a matter of keeping up with the private sector activity.

The Coast Guard maintains a civilian information.

Regarding the Department's contract with industry on their needs for GPS services, the Coast Guard and the Research and Special Programs Administration jointly chair a Civil GPS Services Interface Committee. This committee has been meeting at least twice a year and has attendees from other Federal agencies, industry, and private user groups, and representatives of international interests. Department radio-navigation experts also attend conferences and symposiums such as those of the Institute of Navigation and the Positioning, and Navigation Symposium. The U.S. GPS Industry Council, which represents manufacturers, also attends these meetings and provides information on their needs and exchanges information with DOT experts. DOT experts also participate on IVHS America panels where information is exchanged on land user applications of GPS technology. The Coast Guard also runs a GPS Information Center in Alexandria, Virginia, which includes a com-

puter bulletin board service, which keeps the industry apprised of GPS developments within the government.

In addition, the Department's operating administrations maintains regular contacts with their constituencies or GPS-related issues.

The Department will build on established mechanisms to assure industry and user views are fully known and considered.

#### MARITIME POLICY

*Question.* If confirmed, to what extent will you pursue maritime policy initiatives to address the decline of the U.S.-flag fleet?

*Answer.* Maritime revitalization remains a major priority for the Department of Transportation and for this Administration. As you may well know, the issue is currently being addressed in the National Economic Council, which is examining alternative approaches and working with the Department of Defense to determine the implications for national security if the current decline continues.

Within the Office of the Secretary in the Department, overall responsibility for the maritime revitalization effort rests with the Assistant Secretary for International and Aviation Affairs.

The domestic side of maritime policy focuses on infrastructure, such as ports and the inland waterway system, and on the domestic barge industry.

The areas of traditional interest have been financing and user charges (including fuel taxes and the harbor maintenance trust fund), intermodal issues, competition issues related to barges vs. railroads vs. trucks, and domestic safety regulations.

Because of the close interrelationship between the international and coastal operations of U.S. oceangoing carriers and the strong influence of international agreements, issues affecting U.S. "blue water" carriers such as American President Lines and Sea-Land have been handled by the international side. Examples of such issues are maritime reform, Federal Maritime Commission rulings, and the GATT negotiations.

Senator MATHEWS. Thank you, Mr. Kruesi. Just a couple of other questions here that occurred to me.

The FAA and the NTSB, as has been pointed out this afternoon, are two very important agencies in the area of transportation safety. And both of them at one time I believe were a part of the Department of Transportation, although maybe NTSB started out to be independent and remained so. In your role here as the chief policy officer for DOT, do you see a way that you can have a positive influence on the work of these two agencies?

Mr. KRUESI. Let me say, Senator, that I have had personal experiences with both the FAA and the NTSB. The FAA because, of course, the city of Chicago owns and operates both O'Hare and Midway Airports, and the NTSB because I was involved very closely with them about a year and a half ago on the occasion of the investigation of a natural gas explosion that occurred in the city of Chicago and killed four people. One of my staff people was directly responsible for the linkage of the NTSB and the gas company with the city of Chicago in that case, and I must say that I have great respect for the quality of their investigation, the thoroughness of it, the speed of it, and the quality of their recommendations.

And so I come into this post, if I am fortunate enough to be confirmed, with a great deal of respect for NTSB. And let me just say from the beginning, I think they are absolutely a first-rate organization and very thoughtful.

I also have great respect for the FAA which, again, I have worked with, and for David Hinson, whom I knew in his capacity as the president of Midway Airlines and I know now as the nominee for the Administrator for the FAA.

I think it is clear that when two agencies are responsible for overlapping jurisdictions, have responsibilities that are similar and



yet somewhat different, there are going to be points of disagreement. And the real question there is to make sure that agencies that do interact in that way are able to work with respect and with speed in evaluating and assessing recommendations. And when there are points of disagreement, to make those points clear, to understand the rationale for them, and to see if there is common ground that can be reached. There are going to be different perspectives, but the bottom line is that both the FAA and NTSB have as key goals, safety and the protection of human life. And that, I think, should make the relationship work more easily than in the past, perhaps.

I will also say that Secretary Peña in his testimony before this committee last January made it clear that his No. 1 priority as Secretary of Transportation is safety. And one thing that I can assure you is that his concern is my concern, and it will be the concern of the FAA and I know is the concern of the NTSB. So, we are committed to making the relationship work, and I will plan to be working to review the recommendations, because I do not know the specifics of individual concerns of individual cases. But I do know that both agencies are full of extremely able people committed to public safety and to safety in the skies.

Senator MATHEWS. In a lot of areas now we are using tradition as a stepping stone rather than a limitation. As we begin to look at what transportation may look like in the future, we are talking about a high-speed rail system for this country, we are talking about intelligent highways. How do you view these and how do you see us moving in the next few years? What input can you have in paving a way for us in some of these areas?

Mr. KRUESI. Senator, there is no question that those are very exciting developments in the transportation systems, as are safety enhancements which result in safer skies, although there are still too many accidents, as are safety precautions on the highways, although there are still far too many people that are killed every year.

The bottom line is that transportation, to the extent it stays at the cutting edge of technology and is able to integrate new technology into the transportation system, will result in a system that is more effective, safer, more efficient, more cost effective, and moves people better and enhances the economy.

I think there is no question that the Federal involvement in these programs, in the way it was pointed in ISTEA, is extremely important to the future of this Nation. And I will do everything I can, if confirmed, to move those programs along. They are very important.

Senator MATHEWS. Thank you. Let me defer to my colleagues. Senator Pressler.

Senator PRESSLER. I would defer to Senator Hutchison.

Senator MATHEWS. Senator Hutchison.

Senator HUTCHISON. Just one point for the record. The NTSB was formed from the old CAB when it was determined by Congress that we should separate the safety function from the marketing function for aviation.

Let me just ask you if your office would be responsible for analyzing the cost implications of instituting high-speed rail service?

Mr. KRUESI. It will certainly, Senator, be working closely with the Federal Railroad Administration in that matter. So, yes, we will be involved in that.

Senator HUTCHISON. Do you have a view of whether high-speed rail is something that the Federal Government should be supportive of, either through the issuance of or the allowance to use tax exempt bond authority for those or through direct grants?

Mr. KRUESI. Senator, I am not sure I can tell you today specifically the nature and the extent of that support, but I believe it is very important that in appropriate areas the Federal Government work on and be supportive of high-speed rail development. That clearly is the one mode of transportation that in other countries has moved people well, efficiently, effectively, and with environmental consciousness. And I think that is an important reason in selected high-speed corridors why that needs to be looked at closely and improvements encouraged by the Federal Government.

Senator HUTCHISON. I think that as we do move in the direction of looking at that that density should be a factor, and cost-benefit analysis should also be a part of your consideration.

Mr. KRUESI. I absolutely agree with that, Senator.

Senator HUTCHISON. Do you support the prompt implementation of random drug testing for transportation professionals, which was enacted in 1992?

Mr. KRUESI. Senator, yes, I do. I will say this. In the city of Chicago, the question of random drug testing is one that I was involved in in questions relating to police, firefighters, and operators of heavy equipment. It is a very difficult question, but the bottom line is, when public safety is involved it is extremely important that there be random drug testing, I believe, when that affects the operation of equipment that can endanger the lives of people and property.

The question of the extent of testing, the frequency of it, I think are things that I need to look at, and I would be happy to do so, and I intend to do so, in fact. But I have no doubt that it is very, very important that it proceed and continue.

Senator HUTCHISON. I appreciate that. I am very impressed with your qualifications for this job.

Mr. KRUESI. Thank you, Senator, I appreciate it.

Senator HUTCHISON. No further questions.

Senator MATHEWS. Senator Pressler.

Senator PRESSLER. As Assistant Secretary for Transportation Policy, what will your No. 1 priority be?

Mr. KRUESI. My No. 1 priority, Senator, will be to advise the Secretary on matters relating to the advancement of transportation, the transportation networks in this country, to try to make sure that we are developing a system that is safer, a system that connects better, and a system that is more environmentally conscious.

Senator PRESSLER. What is your position on the essential air service program?

Mr. KRUESI. I strongly support essential air service. The Secretary has indicated his strong support of it as well. I grew up in a small town that actually had no certificated carriers, and I understand full well the difficulties that imposes on people who need to travel.

Senator PRESSLER. Do you think the Federal Government is meeting its safety responsibilities in transportation policy to the American public, to the traveling public?

Mr. KRUESI. I think, Senator, that overall the transportation system in this country, and particularly air transportation, is clearly the safest in the world. There is no question that there is room for improvement, but there is no question that someone who travels a great deal by plane particularly has every reason when getting on that plane to feel safe—that things are under control with respect to the mechanical condition of that plane and the skilled pilots and others who are involved in operating it, as well as in the air traffic system. And, therefore, we are as travelers very much relying on the functioning of Government and of industry to have done a good job.

I think overall the Government has done a good job. There clearly have been problems, and I look forward to working to try to improve those. But the record has been very good in this country, I think, and has gotten better. There is always room for improvement.

Senator PRESSLER. What is your position on random testing for drugs and alcohol on persons who operate trains and so forth?

Mr. KRUESI. Well, as I say, Senator, I very much believe in random drug testing. The specifics of what that program should be like is an open question, but I certainly very much support that.

Senator PRESSLER. Is the safety level also the highest in the world regarding private aircraft?

Mr. KRUESI. The safety level for noncommercial general aviation is clearly not as high as it is for commercial.

Is it the best in the world?

My understanding is it is.

Can that be improved?

Yes, it absolutely can be improved.

Senator PRESSLER. How can we improve it?

Mr. KRUESI. I think one example of that is the kinds of concerns that you have expressed, Senator, how do we make sure that safety concerns identified by NTSB and others that are brought to the attention of the FAA are reviewed carefully, thoroughly, quickly, and, when necessary, acted upon? And I certainly look forward to seeing how that can be continually improved. There is always room for improvement.

Senator PRESSLER. Thank you very much. I think you are a very forthcoming witness, and I feel you have a good judgment of the issues. I thank you very much.

Mr. KRUESI. Thank you very much, Senator. I appreciate it.

Senator MATHEWS. Are there any further questions?

[No response.]

Senator MATHEWS. Thank you, Mr. Kruesi.

Mr. KRUESI. Thank you, Mr. Chairman.

Senator MATHEWS. If I could take a moment, we have a congresswoman from the State of Tennessee, from Mr. Hall's hometown in Chattanooga, TN, who would like to address the committee very briefly on Mr. Hall's behalf.

Congresswoman Lloyd, we are ready, if you would come around.

I think the committee will know Congresswoman Lloyd. She is from the 3rd District, I believe it is, in the State of Tennessee, and a member of Congress for a number of years. She makes a great contribution. Welcome.

**STATEMENT OF HON. MARILYN LLOYD, U.S. REPRESENTATIVE  
FROM TENNESSEE**

Ms. LLOYD. Thank you, Mr. Chairman.

I ask permission that my statement be included in the record.

I am here to support the nomination of James Evan Hall to the National Transportation Safety Board. I think he has the experience as executive to the Governor of Tennessee and through his leadership in the cabinet, as well as being chief of staff for Senator Harlan Mathews. I think he has very unique qualifications. He is a native of Chattanooga, TN. I have known him about 25 or 30 years. I have worked with him through the years. He is a man of character, intelligence, and professionalism, which I think will be an asset to the NTSB.

I think he will bring an aggressive attitude to the Board, with a true interest in public service. I think that Jim's career in public service has given him a combination of administrative as well as legislative experiences on both the State and national level. He will do well in his service, and I highly recommend him. I know that he will serve his country well.

[The prepared statement of Ms. Lloyd follows:]

**PREPARED STATEMENT OF CONGRESSWOMAN LLOYD**

Mr. Chairman, I rise in support of Mr. James Evan Hall's nomination to be a member of the National Transportation Safety Board. Mr. Hall's experience on the Governor of Tennessee's cabinet and as Chief of Staff for Senator Harlan Mathews makes him uniquely qualified for a position on the Board.

Jim is a native of Chattanooga, TN, and a long time personal friend. I have worked with him extensively over the past several years and believe his character, intelligence, and professionalism will be an asset to the NTSB. He will bring a fresh aggressive attitude to the Board with a true interest in public safety.

Jim's career in public service has given him a combination of administrative and legislative experience on both State and National levels. As Executive Assistant to the Governor, he demonstrated his commitment to public safety in his work on the Drug Free Youth Act of 1989: a statute which joins the sanction of drivers license suspension for drug and alcohol offenses by juveniles with rehabilitation and education programs.

At a federal level Jim has worked as Counsel to the U.S. Senate Subcommittee on Intergovernmental Relations and on the staff of Senator Al Gore. Most recently he has served as Chief of Staff and Transition Manager for U.S. Senator Harlan Mathews. As a member of the Governor's cabinet Jim had responsibilities for directing the Governor's Alliance for a Drug Free Tennessee, the Solid Waste Management Act of 1991, and negotiating oversight and cleanup agreements with the Department of Energy for the Oak Ridge, Tennessee, Nuclear Weapons Complex.

Jim holds a degree from the University of Tennessee College of Law and prior to his public career, maintained a private legal practice in Chattanooga.

I confidently recommend Jim Hall both professionally and personally and encourage the committee to approve his nomination without delay.

Senator MATHEWS. Thank you, Congresswoman Lloyd.

I believe we have one additional nominee, and that is Ms. Louise Frankel Stoll.

She is the President's nominee for Assistant Secretary for Budget and Programs, Department of Transportation. Ms. Stoll, if you would take the table, we are prepared for you to make your opening statement.



**STATEMENT OF LOUISE FRANKEL STOLL, NOMINEE FOR ASSISTANT SECRETARY FOR BUDGET AND PROGRAMS, DEPARTMENT OF TRANSPORTATION**

Ms. STOLL. Thank you.

Mr. Chairman, Senators Pressler and Hutchison, thank you very much for the opportunity to appear before the Senate Commerce, Science, and Transportation Committee today, and for working my confirmation hearing into this very busy week for Congress.

I would like at this time to introduce three members of my family who are here today, my husband, Marc Monheimer, and my two daughters, Miriam Stoll and Malaika Stoll. They are today representing our entire family, which is scattered around the United States. We have three other young adult offspring on the west coast.

I am moved and honored to have been nominated by the President for the position of Assistant Secretary for Budget and Programs at the Department of Transportation. It is an understatement to say that the position is challenging. My role, as you know, would be to advise the Secretary on the allocation of resources, to prepare the Department's annual budget request and carry it through the Office of Management and Budget, and defend it before the Congress. And then, to evaluate the program activities of the Department of Transportation. That these functions can be stated succinctly belies the complexity of the tasks.

For the Department of Transportation, performing these functions requires an understanding of the purpose, programs, and structure of a number of large and complex administrative and operational units, including the Federal Aviation Administration, the Federal Highway Administration, the Federal Railroad Administration, the Federal Transit Administration, the U.S. Coast Guard, the St. Lawrence Seaway Development Corporation, the National Highway Traffic Safety Administration, and Research and Special Programs Administration, as well as the Office of the Secretary. It requires extensive interaction with hundreds of people both inside and outside of the Government.

Each of these organizations and offices has a mission, goals and objectives, policies and plans, and a host of regulations containing the cans, the cannots and the must dos of its industry or discipline. It is through the vehicle of the budget, the plan and controlling mechanism for resource allocation, and through the budget process, a series of negotiations and compromises, that the goals and policies of the Department are translated into programs, and given the definition that enables them to be prioritized and implemented.

Later, it is through the program evaluation side of this function that the effectiveness of these programs is reviewed and a corrective course for the next round of budgeting determined.

Because the Assistant Secretary may be dealing with the processes of three fiscal years simultaneously, the field of action can grow immensely complicated and relationships become cranky. Budget meetings are rarely places where people smile. Keeping budget business productive sometimes seems to call for the attributes of scholar, psychologist, poker player, judge, boxer, weight lifter, standup comic, and marathon runner, all rolled into one.

If confirmed, I would come to the position of Assistant Secretary for Budget and Programs at the Department of Transportation aware of the challenges, proud to serve and enthusiastic to begin the work at hand. I am in harmony with the goals of this administration for our country and with Secretary Peña for the Department of Transportation.

I believe the Department has a critical role to play in promoting the economic growth and well being of our Nation. I believe that transportation is the engine of economic growth and that the safe and efficient movement of people and products is key to the quality of life for all of us.

Over the next years, we need to invest in the maintenance and selective expansion of our transportation infrastructure; in transportation technology, so we leave for our children an effective and environmentally sound transportation system for the 21st century; in operational improvements and intermodal projects which extend the use of our current transportation infrastructure and address the varied needs of our population from safe bicycle paths to smart highways; from light rail transit systems to high-speed rail corridors; from efficient management of locks along the St. Lawrence Seaway to safety and rescue operations on our waterways; from safe aircraft to safe commercial space launches.

To this position I bring a formal educational background in public policy and finance; a professional life that includes senior management positions in both the public and private sectors, in transportation budgeting at the city and county level, and in construction management of large infrastructure projects, including transportation projects, and the experience gained from holding local elected office.

I pledge my commitment to extensive and collegial consultation with you and your staffs, to fair and courteous deliberations in balancing competing interests and needs, to open and welcome inclusion of both the career staff, who carry the institutional knowledge of our Department, and the Presidential appointees, who carry the philosophical and policy thrusts of this administration. In times in which we must address deficit reduction, the budget decisions we face are tough indeed. I will be seeking your counsel and the help of this committee and of Congress.

Mr. Chairman, members of the committee, thank you again for the courtesy you have shown me by offering me the opportunity to address you today.

I would be pleased to answer questions.

[The biographical data and prehearing questions and answers of Ms. Stoll follow:]

#### BIOGRAPHICAL DATA

Name: Stoll, Louise Frankel; address: 73 Plaza Drive; business address: O'Brien-Kreitzberg, 188 the Embarcadero, San Francisco, CA 94105.

Position to which nominated: Assistant Secretary for Budget and Programs.

Date of birth: June 6, 1939; place of birth: New York City.

Marital status: Married; full name of spouse: Marc H. Monheimer; names and ages of children: Miriam Stoll, 32; Malaika Stoll, 25; and Abraham Stoll. names of stepchildren: Paul Monheimer, 36; and Ellen Monheimer, 35.

Education: University of California, Berkeley, 1962-63 and 7/75-1/79, Ph.D.; and University of Chicago, 1/57-6/61, MA and BA.

Employment: 3/85–Present, O'Brien-Kreitzberg and Associates, Inc., Senior VP and No. Cal. Reg. Manager; 8/80–3/85, City & County of San Francisco, Public Utilities Commission, Budget Director; 11/7–8/80, City & County of San Francisco, Clean Water Program (Greely Hanson), Manager, Gov't Affairs; 5/71–6/78, Berkeley Unified School District, Elected School Board Member; 1977–78, University of California, Part-time Research Assistant; and 1962, McComb Community College, Part-time English Instructor.

Government experience: Budget Director, San Francisco Public Utilities Commission; Manager, Government Affairs, San Francisco Clean Water Program; and Director, Berkeley Unified School District (elected official).

Political affiliations: I am a life-long Democrat and was an alternate delegate from California to the 1972 Democratic National Convention. Throughout my adult life I have made modest contributions to democratic candidates for the California State Legislature and governorship, U.S. Congress, U.S. Senate, and the Presidency. During the November 1992 election campaign, I served on the Northern California Jewish Community's Steering Committee to Elect President Clinton, which organized a voter registration campaign, placed advertisements in the press, and organized fundraising events. In 1988, I chaired the Committee to Defeat Measure J, an anti-Israel measure in Berkeley, which had been placed on the ballot through the initiative process.

1982	Metzenbaum for Senate .....	\$40
1983	National Democratic Committee .....	200
1984	Local candidates for non-partisan offices .....	300
	Women's Campaign Fund .....	200
1985	W.H. Shorenstein Dinner (DNC) .....	150
	Local candidates for non-partisan offices .....	50
1986	Local candidates for non-partisan offices .....	350
1987	Art Agnos for Mayor .....	100
	Local candidates for non-partisan offices .....	100
1988	Dukakis for President .....	200
	Local candidates for non-partisan offices .....	250
	McCarthy for Senator .....	50
	Dukakis Campaign .....	500
	DNC Fed. Account .....	500
	Tom Bates for Assembly .....	50
1989	Local candidates for non-partisan offices .....	150
1990	Democratic Agenda for the 90's .....	500
	Friends of Tom Bates .....	180
	Kopp for Senate Committee .....	25
	East Bay Demo Voter Project .....	250
	Local candidates for non-partisan office .....	350
1991	Mel Levine for Senate .....	1,000
	Friends of Loni Hancock .....	100
	Emily's List .....	200
1992	Clinton/Gore Campaign .....	500
	East Bay Jewish Community Committee for Clinton/Gore .....	250
	Boxer for Senate .....	250
	Feinstein for Senate .....	250
1993	Kathleen Brown for Governor .....	500
	Committee to Re-elect Senator Edward Kennedy .....	500
	Friends of Barbara Boxer .....	100

Memberships: Director, Berkeley Unified School District, 1971-78 (elected at large); Board Member, Hillel Foundation, University of California, 1991 (non-profit); Board Member, Jewish Federation of the Greater East Bay, 1989-92 (non-profit); Member, National Legal Affairs and Middle East Committees; Anti-Defamation League of the B'nai B'rith (non-profit); Member, Central Pacific Region Board, Anti-Defamation League of the B'nai B'rith (resignation pending confirmation); Member, Western Region Board, American-Israel Public Affairs Committee; and (AIPAC), 1991-July 1, 1993 (resignation pending confirmation).

Honors and awards: Graduated with Academic Honors from the University of Chicago, 1960. Held General Motors and University scholarships for full costs of tuition, room and board, and books.

Woodrow Wilson Fellow in Philosophy, University of Chicago, 1961.

Mayor's Fiscal Advisory Award for streamlining and revitalizing the \$500 million Public Utilities Commission budget processes for the City and County of San Francisco, 1984.



Public writings: "Communicating During Negotiations and Strikes, The Board Members' Role," a coauthored chapter in the Public School Employer and Collective Bargaining, Terhayden and Schapiro, 1977; Op-Ed pieces: Northern California Jewish Bulletin, July 1989, March 1990; Portland-Oregonian, June 1991; National Jewish Post and Opinion, April 1992 (These related to then current issues in the press—West Bank settlements, loan guarantees for Israel, role of the PLO in the peace process, etc.); and Guest Editorials in the Berkeley Gazette (now defunct newspaper) during my terms as school board member (These dealt with many aspects of educational policy over which the School Board had jurisdiction).

#### QUESTIONS ASKED BY THE COMMITTEE AND ANSWERS THERETO BY MS. STOLL

##### GENERAL QUALIFICATIONS/RESPONSIBILITIES

*Question.* You have been nominated to be the Secretary of Transportation's key advisor on budgetary issues. What experiences have you had that you believe qualify you for this position?

*Answer.* I believe I am well qualified academically and as a consequence of my professional and civic management experience for this position.

My undergraduate studies in philosophy at the University of Chicago disciplined me to read precisely and think critically; my PhD from the University of California, Berkeley, grounded me formally in public policy, finance and management.

As a local-elected official for nearly 8 years (Berkeley, California, School Board), I developed and oversaw the implementation of policy for all aspects of an urban school district. I developed a pragmatic approach to change and learned respect for and patience with the public process; the arts of listening, building coalitions, chairing public meetings, and lobbying for funds at the state and federal levels.

My public sector management responsibilities for the City and County of San Francisco required me to work with over 50 government agencies, including the Federal Transit and Highway Administrations, other departments within the Department of Transportation and related federal agencies. Serving as Director of the San Francisco PUC's \$500 million budget, which includes the San Francisco Municipal Railway, placed me squarely in the budget, finance and policy arenas of transportation, in which I acquired a high degree of knowledge and competency.

My private sector senior-level management experience during the last 8 years has further added dimensions which equip me for the Assistant Secretary position. The company for which I work, O'Brien-Kreitzberg and Associates, Inc., is a 600-employee nationwide construction management firm which specializes in managing large public works projects. As Vice President and Senior Vice President in the firm, located in our San Francisco headquarters, I first managed corporate business development for the entire company, and more recently managed the second largest of the company's five regions, encompassing northern California, Oregon, and the Chicago and Midwest areas.

In the course of this work, I have been involved with many of the largest transportation projects and districts in the United States, including rail, highway and airport projects; managed a staff of 150 people; and had a major role in the growth of the firm from annual revenue of \$22 million to \$80 million (my region's annual revenue was \$20 million last year).

I am a member of the Corporate Senior Managers Operating Committee and, as Regional Manager, I am accountable for all aspects of management: operation and quality control of all construction projects; profit and loss; personnel and business development. From my private sector experience, in addition to developing substantial working knowledge of the planning, funding, construction, and operation of transit projects, I have honed the skills of efficient management, prioritizing resource allocations, and nurturing the partnership between the public and private sectors of our economic universe.

In summary, my academic and much of my professional life is on target from the perspective of the budget, public policy and transportation experience requisite for the position of Assistant Secretary for Budget and Programs for the Department of Transportation. In addition, as a consequence of the elected office I held and both my public and private sector professional experience, I have acquired solid negotiating and management skills which have been recognized and acknowledged by my employers. Managing complex budget processes in support of public policy decisions—and doing it with efficiency, accuracy, grace, and humor is my business. Carrying out these responsibilities in transportation, and at the highest level of government and public service, would be my privilege.

*Question.* If confirmed, what do you hope to accomplish as Assistant secretary? What will be your highest goals and priorities?



Answer. My highest priorities will be to serve the President and the secretary, ensuring that the Administration's initiatives are supported in the budget and defended through the appropriations process.

More specifically, my goal is to ensure that the budget process supports the Secretary's efforts to reallocate resources in recognition of transportation's role in promoting economic growth. This includes support of research and technology development, environmental concerns and also infrastructure investment needed to maintain our transportation system and move it into the next century.

*Question.* Under the President's economic plan, how do you see the funding priorities of the Department of Transportation changing?

Answer. The Administration is going through a challenging process of planning the FY 1995 and future budgets within the constraints of the Congressional budget resolution. Tough choices will be made.

The Department of Transportation is going through a process of reassessing priorities. The Secretary has asked the Administrators to review their programs with an eye toward eliminating what DOT no longer needs to do and cutting back and changing work practices in areas where we can operate more efficiently.

We can generally categorize this rethinking in the following ways:

- Eliminating or reducing low priority programs and facilities
- Doing business more efficiently
- Eliminating or reducing programs where objectives can be achieved through other means
- Belt-tightening
- Expanding User Fees

Areas of increase will reflect the role transportation plays in economic growth. Therefore, I think you will also see the Department providing greater emphasis on research and technology development, infrastructure investment—especially transit and passenger rail, and the environmental linkages with transportation.

*Question.* If Federal funds for transportation safety and development programs under DOT's jurisdiction are reduced in the coming years, what alternatives would you advocate to ensure the continuation of adequate program levels?

Answer. First of all, safety and research and development programs are central priorities for the Department and, hence, would be key areas to protect in the face of budget reductions.

The alternative approach would be for the Department to rethink how it currently does business. This might focus on reducing or eliminating low priority programs and facilities, doing business more efficiently, and reducing DOT programs where objectives can be achieved through other means.

*Question.* What role do you believe the Assistant Secretary for Budget and Programs should play in reviewing and modifying regulatory and legislative initiatives proposed by the modal administrations within DOT?

Answer. First of all, the Office of the Assistant Secretary for Budget and Programs must ensure that legislative and regulatory proposals support the budget and policy positions of the Department.

While the Secretary is concerned primarily about the extent of sequential review within the Department, there is a role for Budget and Programs to review regulations with an eye toward the soundness of economic analysis behind the rule and the efficiency of the proposed rule.

With regard to legislation, the Programs Office coordinates the development of legislative initiatives within DOT. The Office plays an honest broker role, making sure that proposals are fully vetted within the Department and that policy issues are raised to the appropriate level for resolution. The Assistant Secretary works with the General Counsel to help achieve OMB clearance on proposed departmental legislation initiatives.

#### SURFACE TRANSPORTATION

*Question.* Graham Claytor, President of Amtrak, has suggested that one cent of the Federal fuel tax should be earmarked for a rail passenger service trust fund to support additional high-speed rail initiatives. What is your view of this proposal?

Answer. This issue deserves policy discussion and careful consideration before policy decisions are made.

In assessing this proposal, we must weigh the investment needs against the issue of who pays and who benefits.

I recognize that the 600+ freight railroads contribute a large share of the current Federal fuel taxes paid by all railroads. While the freight railroads that carry Amtrak service would likely derive some economic benefit from incremental improve-

ments for high-speed service, it is not clear that these benefits would justify use of freight railroad revenues to support a trust fund for high-speed rail improvements.

Similarly, it would be a challenge to convince highway users that a portion of the revenue they pay should support rail.

This proposal would need very careful review before a decision were made on whether all motor fuel tax payers should support the development of high-speed rail.

#### HIGHWAY/RAILROAD GRADE CROSSINGS

*Question.* Both the Federal Highway Administration and the Federal Railroad Administration have important roles in administering the policies intended to improve railroad/highway grade-crossing safety. Do you see any inter-agency coordination issues in this area which may have impeded effective federal action in the past? If confirmed, are there budgetary and other program initiatives that you will undertake in this area?

*Answer.* Most of the funds available to handle this issue are administered by the Federal Highway Administration (FHWA) rather than the Federal Railroad Administration (FRA). Under ISTEA, in FY 1993 approximately \$262M of Surface Transportation Program funds are available to States to eliminate or improve grade crossings on any public roads, not just Federal-Aid Highways.

In addition, other Federal-Aid Highways funds may be spent on public crossing improvements or eliminations in conjunction with highway construction projects. In FY 1991, this contributed an additional \$63M to crossing safety efforts.

While problems of coordination were cited several years ago, cooperation has increased in recent years, and appears to be continuing.

For example:

- Although the Rail/Highway Crossing Program is administered by the FHWA, the FRA has a major role to play in the process. The selection of crossing improvement projects is based on crossing inventory data developed by FRA.

- The Associate Administrators for Safety of both FHWA and FRA meet monthly along with their staffs to coordinate efforts to improve safety conditions at grade crossings. Topics such as the Florida whistle ban (some communities there forbid the use of warning whistles as trains approach crossings), Operation Lifesaver (the public awareness campaign), and new technologies are discussed.

- In July, FRA and FHWA sent a joint memo to their field offices regarding new rules about stop signs at crossings.

In addition to the meetings mentioned above, numerous meetings have also been held to coordinate the grade crossing aspects of the Highspeed Rail Corridor Program in Section 1010 of ISTEA. Approximately \$5M annually is devoted to eliminating grade crossings in corridors selected for high-speed passenger rail service. Also under this section, FHWA provides \$300,000 annually for Operation Lifesaver (as a drawdown from Federal-Aid Highways), with FRA providing \$100-150,000 annually.

The two agencies are also cooperating on the Northeast Corridor Improvement Project (NECIP) a Under NECIP, Federal-Aid Highway funds may be used to eliminate public crossings, and FRA funds may be used to eliminate private crossings. This approach would be copied under the Department's High-Speed Ground Transportation initiative, pending in Congress.

One other new initiative is found within FRA's FY 1994 budget submission to Congress: a request for eight Highway-Rail Crossing Specialists. One specialist would be placed in each FRA region to promote and facilitate corridor improvement programs, keep the railroads and relevant highway authorities focused on crossing problems, and serve as liaisons for Operation Lifesaver.

If confirmed, I would continue to support the efforts that are already underway in this area, but would also be open to considering other approaches that look promising.

#### INTELLIGENT VEHICLE HIGHWAY SYSTEMS (IVHS)

*Question.* Federal commitment to investment in Intelligent Vehicle Highway Systems (IVHS) programs has grown rapidly over the past three years. What is your view of DOT's administration of this program? If confirmed, what initiatives will you undertake in this area as the IVHS program moves further into the deployment stage?

*Answer.* DOT's IVHS activities relate to the responsibilities of FHWA, FTA, and NHTSA. As such, each agency is responsible for those parts of the Department's IVHS program that reflect its statutory responsibilities.

To ensure close cooperation, DOT has formed an IVHS Coordinating Group, which consists of senior officials from the operating administrations and the Office of the Secretary. This group makes the major policy decisions and oversees the general direction of the IVHS program. There is also a lower-level IVHS Working Group that coordinates program budgeting and planning, explores major IVHS program issues, analyzes policy options, and makes recommendations to the Coordinating Group.

IVHS is also subject to the Transportation System Acquisition Review Council (TSARC) process which provides oversight of the procurement aspects.

DOT works closely with IVHS America, a federal advisory committee made up of private sector, public sector and academic organizations and individuals interested in IVHS. DOT used input from IVHS America to develop its Strategic Plan (sent to Congress in December 1992) and its more detailed program plan currently under development.

I understand that a review of IVHS management is in process, managed by the Volpe Center, and I will review the findings of the study.

There is, as you can see, an extensive oversight and management structure, but, if confirmed, I plan to review that structure carefully to be sure DOT's IVHS activities are being managed as efficiently and effectively as possible. I will support the major IVHS initiatives outlined in the President's "Rebuild America" proposal. Some of the important areas address commercial vehicles, the automated highway system, and converting defense technologies to civilian use. I will support appropriate funding as the program develops.

#### MARITIME POLICY

*Question.* If confirmed as Assistant Secretary for Budget and Programs, to what extent will you be involved in formulating maritime policy initiatives to address the decline in the U.S.-flag fleet?

*Answer.* The Administration has already gone through a process, coordinated by the National Economic Council to formulate options to address revitalization of the maritime industry.

The maritime policy issue is pending with the President for his decision. Assuming a policy decision is made, my job will be to work with Departmental and Administration officials to develop appropriate funding proposals and to ensure that future DOT budgets implement that decision.

#### AVIATION

*Question.* Some people argue that the Federal Aviation Administration (FAA), with its need to modernize the air traffic control system, does not have sufficient resources available to accomplish that goal. Do you believe that the FAA does not have sufficient resources to modernize the system? Does the Federal budget process properly provide funding for FAA's operations and capital programs?

*Answer.* For FY 1994, the President's budget proposed a funding level of \$9.2 billion for the FAA. This included \$2.5 billion to support FAA's continuing efforts to modernize and improve air traffic control and the supporting airway facilities. (The annual funding for Facilities & Equipment has more than tripled in the past 10 years: FY 1984 enacted \$750 million; FY 1994 President's Budget request at \$2.524 billion. Funding for FAA Operations has increased by 77 percent: \$2.587 billion in FY 1984 to \$4.576 billion in the FY 1994 President's Budget.)

These funds support a comprehensive investment plan to provide new facilities with modern equipment and enhanced controller automation which will ensure that the system is capable of handling the volume of air traffic predicted for the 1990's and beyond.

These investments will increase safety and productivity and will reduce FAA's costs. Most importantly, these investments will result in savings to the airlines.

Our goal is to find room for such investments in the budget while at the same time ensuring that FAA's operational needs will not be slighted by the budget process. Even under the so-called discretionary "hard-freeze", FAA's critical operational and investment needs would be met even if it meant making some tough choices elsewhere in the operations area.

We must formulate a budget that meets the overall caps established by Congress and the President, but we also must put the safe and efficient operation of the nation's aviation system foremost. These goals are both achievable.

At the same time we need to find ways to meet our operational needs more efficiently and at less cost.

Senator MATHEWS. Thank you, Ms. Stoll.

Let me start with our colleagues on this round.



Senator Pressler.

Senator PRESSLER. I thank you very much.

I think we have a very well-qualified nominee here. I would just ask you, what priorities will you set for yourself in your new job?

Ms. STOLL. My first priority is, of course, to serve as advisor on the allocation of fiscal resources to both the Secretary and to the President, to the administration. More specifically, I am committed to ensuring that the priorities which the Department of Transportation and the administration wish to move forward are crafted and developed in as intelligent and rational a way as possibly.

Senator PRESSLER. Thank you very much.

That is my only question.

Senator MATHEWS. Senator Hutchison.

Senator HUTCHISON. Thank you.

I do believe that you are eminently qualified for this position. I do not want to ask you policy decisions, really, because I think you are going to be more of the person that implements the policy by finding the money and making sure that it is spent well. I just wanted to say that you do have such good private sector experience, and I found that when I became State treasurer, my private sector experience allowed me to cut my budget 10 percent across the board and give money back at the end of the fiscal year.

I just wondered if you felt that because you have had this experience, plus the public sector as well, if it is in your goals to be looking for ways to maybe be more efficient and look at our Government. And, obviously, the transportation budget is one of the largest in all of the Federal Government, but would you see in your role the ability, perhaps, to create efficiencies that might—we will not earn \$20 million as you did in your own division in your company, but perhaps you could look for savings and make some suggestions within the Department and even to the Senate about ways that we could become more efficient?

Ms. STOLL. Senator, it is a subject close to my heart. We will, first of all, be confronting the need for enormous reallocation internally. If we are going to participate in the major effort of deficit reduction and if we are looking forward to only level dollars to spend over the next years, and if we want to do the things that we are committed to doing, which is advancing our technology, maintaining and improving our infrastructure, moving us forward from the point of view of the economy and toward the 21st century, then we are clearly going to have to make tough choices.

Among the choices that I hope I can assist our Department to move and lead our Department toward figuring out how to eliminate low-priority projects or activities that are now going on in order to move resources toward the new activities and figuring out how to do business more efficiently. You are right, coming from the private sector, where you are confronted with a bottom line and profit-and-loss goals all the time, and where you stand or rise on your ability to make a profit and work efficiently, such choices are second nature. This is what you sleep with at night and what you bring to work in the morning.

We are obviously looking to see how we can achieve the same kinds of end results in the projects that we want to continue with, and meet our goals but in a more efficient way. There are ways of



doing this. There are techniques of doing this which I bring from the private sector, and also from my public sector experience.

Years ago, I was the budget director of the San Francisco Municipal Railway. At that time, we were confronted with similar budget difficulties, and we were able, through the use of attrition, to reduce our staff and continue our high level of service, still serving the people well. I will be looking at all of these things, and I bring the experience and background to be able to do it.

Senator HUTCHISON. I think you certainly do, and I am very pleased to see the qualifications that you have for this very, very tough job. I think you stated all the things that this job is very well, and I thought to myself you have had a few jobs that required all of those skills already. So, I wish you well.

Ms. STOLL. Thank you.

Senator MATHEWS. Senator Pressler.

Senator PRESSLER. No further questions.

Senator MATHEWS. I have just one concluding question for the nominee. Vice President Gore is going through an examination of Government, the National Performance Review, looking at reinventing Government. If that is going to work, it appears to me that we have got to do that in each Department, also. Each one of us who is responsible for an area, such as yours in transportation, we are going to have to do the same thing.

You have alluded to some things that you hope to do. Do you see yourself as having a responsibility to follow through on some of these things?

Ms. STOLL. Yes, I do.

There is already a committee functioning and hard at work in the Department of Transportation reviewing all of our activities from the point of view of eliminating duplication of effort and increasing efficiency in meeting our goals and objectives.

I will be taking part in that review and bringing to bear, I hope, judgment that can assist in carrying to implementation good ideas.

Senator MATHEWS. Are there any other questions?

[No response.]

Senator MATHEWS. We thank you for coming this afternoon.

Ms. STOLL. Thank you very much.

Senator MATHEWS. If there is no further business to come before the committee, we are adjourned.

[Whereupon, at 4:11 p.m., the hearing was adjourned.]



## APPENDIX

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### PREPARED STATEMENT OF SENATOR FEINSTEIN

Mr. Chairman and members of the Committee, I am very pleased to introduce Louise Stoll to be Assistant Secretary of Transportation for Budget and Programs.

Ms. Stoll is Senior Vice President and regional Manager for a 600-person national construction and management engineering firm whose revenues total approximately \$70 million a year. I am very familiar with this firm, O'Brien-Kreitzberg, because they managed the rehabilitation of the San Francisco Cable Car System while I was Mayor. They delivered the project on time and on budget. She ably managed one of the company's largest regions, overseeing their administration and business development.

Before joining O'Brien-Kreitzberg seven years ago, Ms. Stoll served as Budget Director for the San Francisco Public Utilities Commission. Her excellent skills in financial management and public policy are well known and admired. With the PUC, she managed a budget of \$500 million a year for operations and capital improvement.

In summary, Louise Stoll will be an outstanding asset to the new administration and the Department of Transportation. She will provide the expertise and leadership in the finance and transportation areas for which she was nominated. I strongly endorse her nomination. Thank you.

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### QUESTIONS ASKED BY SENATOR PRESSLER AND ANSWERS THERETO BY MR. HALL

Responses of James E. Hall to questions submitted by Senator Larry Pressler

*Question.* In your view, should legislation be enacted to mandate DOT's modal transportation agencies to respond to NTSB recommendations?

*Answer.* The Independent Safety Board Act requires the Secretary of Transportation to respond to each Safety Board recommendation formally and in writing not later than ninety days after receiving the recommendation.

*Question.* As a member of the NTSB, how will you work to promote the enforcement of federal regulations affecting transportation safety? If so, how?

*Answer.* When the enforcement, or lack thereof, of federal transportation safety regulations is an issue in an accident under investigation by the NTSB, I would that issue bring the forefront of deliberations. Transportation safety regulations, which often take years to finalize, must be enforced and the failure to comply with safety regulations must be penalized. While not having regulatory or enforcement powers, the NTSB through its investigations, studies and recommendations, can draw attention to the effectiveness of safety regulations.

*Question.* During your confirmation hearing, I asked you to review the DOT's proposed rule on random alcohol testing. Please let me know your views on the proposed rule. What, if any, changes would you recommend.

*Answer.* I have requested the DOT to provide me with a copy of the rules and companion notices on the proposed rulemaking and plan to review them as soon as received. However, I did contact the NTSB about its position on the rules and am attaching a copy of the comments submitted to the DOT in April of this year. If confirmed, I will work with the other Safety Board members to gain acceptance at the DOT of the improvements being sought in the proposed rules.

*Question.* In addition to the DOT's proposed rule, please review the DOT's overall policies on drug testing. Please let me know whether you are satisfied by these policies—please include any specific policies you would like the NTSB to review further.

*Answer.* The NTSB has investigated countless accidents in which public safety was jeopardized by drug and/or alcohol use or abuse and the NTSB has taken a lead role on this issue. The specific changes in the DOT proposed drug testing rules, which are described in the attached letter, appear reasonable to me and they should

be implemented. My personal opinion, as I mentioned earlier, is that Safety Board recommendations in this area should be accepted and implemented.

*Question.* During your nomination hearing, you were commended for your work in developing Tennessee's comprehensive anti-drug effort. Such an agenda is very commendable. I was very interested to hear about your state's program that included the suspension of driving privileges. As a member of the NTSB, would you support encouraging all states to enact similar anti-drug programs.

*Answer.* Yes. Tennessee's program has been very successful and I plan on advocating the adoption of similar administrative license revocation laws throughout the country.

#### PIPELINE SAFETY

*Question.* Would you please review the NTSB's actions, if any, in regard to the Midwestern flooding. Has damage or disruption to pipelines in the Midwest resulted from the flooding? If so, what actions are the NTSB taking to alleviate damages and unsafe conditions?

I contacted the NTSB and learned that the National Response Center has notified the Safety Board about a couple of accidents due to the flooding. The flooding conditions, however, prevent the initiation of any investigations at this time. I am further informed that the Research and Special Programs Administration will shortly issue an advisory to owners and operators of hazardous liquid and natural gas pipeline facilities concerning the flooding and suggesting the implementation of safety precautions.

#### RAILROAD

*Question.* Would you review the NTSB's findings and position on railroad lighting systems and let me know if you agree with that position?

*Answer.* A cursory review by NTSB staff failed to discover any findings or positions on railroad lighting systems.

*Question.* What are your views and suggestions, if any, for improving rail safety mechanisms, such as improved lighting systems and other safety designs for railroad traffic?

*Answer.* Improvements in warning devices at grade crossings and campaigns aimed at education drivers about the risks posed by grade-crossings are just two of the ways the existing system can be improved.

*Question.* What, if any, are your plans to effect railroad safety?

*Answer.* My initial efforts will concentrate on improving the acceptance rate of NTSB railroad safety recommendations. Over the past ten years, the Federal Railroad Administration has accepted roughly seventy-one percent of the safety recommendations issued by the NTSB and I think that rate can be improved.

*Question.* Do you believe the federal government needs to make an investment to improve our nation's rail infrastructure, particularly in rural areas? In your view, do you think such an investment will improve rail safety?

*Answer.* Coming from a rural state, I do believe that investments in our rail infrastructure are needed and, that these investments cannot help but lead to rail safety improvements.

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LETTER FROM CARL W. VOGT, CHAIRMAN, NATIONAL TRANSPORTATION SAFETY BOARD

APRIL 14, 1993.

DEPARTMENT OF TRANSPORTATION,  
Office of the Secretary,  
Washington, DC 20590

DEAR SIR: The National Transportation Safety Board had reviewed the Department of Transportation's (DOT) proposed rules "Limitation on Alcohol use by Transportation Workers" and "Procedures for Transportation Workplace Drug and Alcohol Testing programs. Similarly, we have reviewed the following companion notices of proposed rulemaking: Federal Aviation Administration (FAA), "Alcohol Misuse Prevention Program for Personnel Engaged in Specified Aviation Activities"; Federal Highway Administration (FHWA) "Federal Motor Carrier Safety Regulations; Commercial Motor Carrier Safety Assistance Program; Controlled Substances and Alcohol Use and Testing; Commercial Driver's License Standards; Driving of Motor Vehicles; Hours of Service of Drivers"; Federal Railroad Administration (FRA), "Alcohol Testing; Amendments to Alcohol/Drug Regulations"; Federal Transit Administration (FTA), "Prevention of Alcohol Misuse in Transit Operations"; Research and Special Programs Administration (RSPA), "Alcohol Misuse Prevention Program"; and,



United States Coast Guard (USCG), "Chemical Drug and Alcohol Testing of Commercial Vessel Personnel; Collection of Drug and Alcohol Testing Information." The National Transportation Safety Board offers the following comments on the proposed rules and companion notices of proposed rulemaking.

The Department of Transportation requested comments on less costly alternatives to the current random drug testing programs for aviation, motor carrier, rail, mass transit, pipeline and maritime industries. The Safety Board believes the testing rate should be set at the lowest rate that will provide deterrence. Any change in the current testing rate should be based on credible, peer-reviewed research in the transportation industry or in comparable workplace settings. Pending evaluation of such research, we believe the current random testing rate should not be changed.

Regarding drug testing in motor carrier operations, the National Transportation Safety Board has recommended in Safety Recommendation H-90-22 that the Federal Highway Administration:

Establish a demonstration project(s) to deter the use of alcohol and other drugs by drivers of medium and heavy trucks that includes alcohol and other drug testing at special roadside sobriety check-points, truck inspection lanes, and truck weigh stations.

The purpose of this recommendation was to encourage the FHWA to explore a low cost alternative to the current motor carrier random testing program and to conduct the testing where it should have the greatest deterrent effect. The FHWA is in the process of evaluating roadside testing in four States. Therefore, we recommend that no changes in motor carrier testing programs occur until the demonstration projects are complete and fully evaluated. If the results are positive, a roadside drug testing program should be developed.

Other Safety Board recommendations regarding drug testing are included in Safety Recommendations I-89-4 through -12 that have been proposed to the Department, a copy of which is enclosed. Safety Recommendation I-89-10 has been closed as no longer applicable because of Congressional action.

The National Transportation Safety Board is pleased that the Department and its operating administrations are proposing rules for transportation workplace alcohol testing. We support the DOT proposal to use breath as the primary specimen and breath testing as the primary method for all categories of employer alcohol testing (pre-employment, random, reasonable suspicion, and postaccident). The Safety Board believes that breath testing, when used, should include a second test; and the second confirmatory breath test device should produce hard copy results of the tests.

The Safety Board believes that the alcohol testing rules proposed by the Department and its operating administrations specified above are very complex and may be difficult for transportation industries and their workers to understand. Further, the proposed rules lack uniformity across transportation modes. Therefore, we believe they will be difficult to apply.

The proposed DOT and modal regulations provide for a prohibition against using alcohol before reporting for duty. The FAA proposed rules prohibit alcohol use 4 hours before reporting for duty or during the period after receiving a notice to report for duty. The FAA rules require an 8 hour abstinence period for flight crewmembers, but proposed a 4 hour rule for others performing safety sensitive functions. The FTA proposes to prohibit alcohol use 4 hours before reporting for duty.

Studies suggest that a 4 hour abstinence period may be too short. The mean blood alcohol concentration (BAC) of alcohol positive persons in fatal accidents is in the 0.15 percent to 0.17 percent range, depending on transportation mode. This suggests that an abstinence period longer than 8 hours before reporting for duty may enhance safety. While we would prefer a longer abstinence period, the Safety Board supports an 8 hour rule if it is consistently applied across all modes of transportation.

The proposed rules set a blood alcohol concentration of 0.04 percent or greater as the rule violation level. The rules also prohibit a person from performing a safety sensitive function until the BAC is less than 0.02 percent. Permitting a person with any positive BAC to perform a safety sensitive function in any mode of transportation is inconsistent with the results of research in many transportation modes that indicate "that there is no lower threshold level below which impairment does not exist for alcohol." (DOT HS 807 280) Further, there is evidence, in aviation and highway research, of a "hangover effect" on performance many hours after a person's BAC has returned to zero. The Safety Board believes that the proposed rules setting 0.04 percent BAC as the offense level sends the wrong message about the permissibility of alcohol use in all modes of transportation. We believe that the only safe BAC is a zero (0.00 percent) BAC. All the proposed rules should specify a zero BAC when reporting for duty to perform safety sensitive functions.

DOT and its operating administrations should propose a uniform system of sanctions for violations of the alcohol rules. The proposed rules provide for different sanctions for the same violations in different transportation modes. For example, work suspension periods for a positive alcohol test vary substantially among the modes of transportation. Persons with a BAC of 0.04 percent and below cannot perform a safety sensitive function in aviation for 8 hours, until the next duty period, or until the BAC is less than 0.02 percent. The FTA proposes similar regulations. In commercial motor carrier operations, under current regulations, a driver with any measurable alcohol can be placed out of service for 24 hours. Under one option of the proposed FHWA rules, a driver with any measurable alcohol is prohibited from safety sensitive functions until the driver's BAC is below 0.02 percent; a driver with a 0.02 percent BAC or greater, but less than 0.04 percent, is prohibited from safety sensitive functions for 24 hours. The Safety Board believes that any alcohol is impairing and that there may be a residual adverse effect after the BAC returns to zero. The proposed rules should be consistent among all modes. The Board suggests that all DOT administrations adopt the current FHWA rule that removes a driver with a positive BAC from service for 24 hours. Under no circumstances should a person with a positive BAC perform a safety sensitive function.

Similarly, the proposed rules carry vastly different sanctions for refusal to submit to a test. For example, the USCG considers refusal as reason for a suspension hearing, the FHWA considers it grounds for a 1 year suspension, and the FTA considers refusal a grounds to prohibit a person from duty. The different sanctions for refusal to submit to a test could result in inequitable treatment of persons engaging in the same behavior (refusing a test) in the different modes. The Safety Board believes the penalty for test refusal should be consistent. We recommend that the FHWA suspension period be used.

The proposed postaccident testing rules are inconsistent among the modes of transportation. The Safety Board has recommended that specimen collection take place "within four hours following a qualifying incident or accident." We hope that specimen collection can be completed within 2 hours in all transportation modes as proposed by DOT. The Safety Board believes that all modes should require a notification to the modal Administrator when a postaccident test specimen is not collected within 2 hours of the accident. Notification requirements should not be further delegated by the Administrator and the notification should include reasons for the delay. Further, there should be no limit on the time for testing if 2 hours has elapsed. Testing should be completed as quickly as possible after the accident with the objective of obtaining specimens within either the 2 hours proposed or the 4 hours recommended by the Safety Board in Safety Recommendation I-89-8 (see enclosure).

The Safety Board is concerned about the proposed postaccident prohibitions on alcohol use for an 8 hour period unless the person has been tested. We suggest that all proposed rules be revised to prohibit any alcohol use by any person performing a safety sensitive function for 24 hours after an accident unless they have been tested. In all modes, an uninjured person who leaves the accident scene without submitting to an alcohol test should be considered to have refused the test. Leaving the accident scene without submitting to a test should carry the same sanctions as test refusal carries.

Postaccident specimen collection for alcohol testing varies across the modes of transportation. The Safety Board has recommended changes in postaccident specimen collection for drug testing that can also apply to alcohol. These changes are included in Safety Recommendations I-89-4 through -12 (see enclosure). The Safety Board continues to believe that postaccident and postincident testing for both alcohol and other drugs should be separate from other testing (pre-employment, random, and reasonable suspicion testing) in all modes of transportation. With regard to postaccident alcohol testing, the Safety Board encourages alcohol breath testing for persons who survive the accident. This should not preclude the Department from rewriting the postaccident drug testing regulations to require blood specimen collection. In that manner, investigators would have the most reliable test specimens for both alcohol and other drug use.

The proposed regulations also vary regarding return to duty testing. The Safety Board believes that all persons who test positive, refuse to submit to testing, or who return from rehabilitation should be subject to return to duty testing in all modes of transportation. Persons with an identified alcohol abuse problem should be subject to close supervision, including frequent, unannounced tests, for an appropriate period. This is consistent with Safety Recommendation H-90-20 that the Safety Board issued to the FHWA (see enclosure).

In conclusion, the Safety Board suggests that alcohol testing policy be consistent among all modes of transportation. The Department should strive for a uniform alcohol testing policy in critical areas much as blood alcohol concentration (BAC), ab-

stinence prior to duty, sanctions, and postaccident abstinence. Implementation and enforcement should be tailored to the specific mode of transportation.

The FAA requested comments on employee training and on the population performing safety sensitive functions that should be covered by the proposed rules. The Safety Board believes that training or information and education programs on the effects of alcohol and other drugs on operations are essential. We have recommended such programs in Safety Recommendations H-90-21 issued to the FHWA and A-92-110 issued to the FAA (see enclosures). Such information and education efforts are a necessary part of an accident prevention program. With regard to persons performing safety sensitive functions, the Safety Board believes that any person whose performance has the potential to affect operational safety should be covered. In the aviation area, for example, covered functions should include persons performing maintenance and fueling operations.

The National Transportation Safety Board believes that the proposed rules should be revised and implemented as quickly as possible. Where the modal administrations such as FAA and FHWA rely on State laws for additional enforcement, States should be encouraged to enact laws that are consistent with the final rules. Further, the Department and appropriate modal administrations may need to draft model legislation to assist States in enacting laws that support the Federal regulations.

The National Transportation Safety Board appreciates the opportunity to comment on these proposed rules.

Sincerely,

CARL W. VOGT,  
*Chairman.*

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